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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bulletin 1, Amdt. 1 to Supp 1, Winter Cover Crop Seed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP WINTER COVER CROP SEED LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 16 F. R. 5309 containing the specific requirements for the 1951-crop winter cover crop seed price support program are hereby amended as follows:

1. Section 601.1112 (a) (2) (i) is amended to permit the use of 50 pound net capacity bags in the delivery of crimson clover seed to C. C. C., and reads as follows:

§ 601.1112 *Delivery of seed to CCC*—(a) *Cleaning, fumigation and bagging.* * * *

(2) Crimson clover:

Type	Net capacity (pounds)
(i) Osnaburg which can be probed (seamless or double seam):	
36-inch 2.35 yard or heavier	50 or 100
40-inch 2.11 yard or heavier	50 or 100

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714, 7 U. S. C. Sup. 1447, 1421)

Issued this 4th day of March 1952.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-2709; Filed, Mar. 7, 1952; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1026 (Peanuts-51)-1, Amdt. 2]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR 1951 CROP OF PEANUTS

Basis and purpose. In certain areas of the peanut-producing States, farmers customarily save a portion of their peanut production for planting the crop to be produced during the following year. Some farmers have their own machinery for shelling seed peanuts; however, most farmers carry their seed peanuts to a person regularly engaged in the business of shelling peanuts for planting purposes. It is an established practice for the sheller to retain the shriveled, damaged, split and broken peanut kernels which are unsuitable for seed or for edible use as a part of the charge for the shelling service. The purpose of this amendment is to provide that the marketing penalty specified in section 359 of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1359), shall not be applicable to such peanut kernels if they are obtained in the process of shelling that quantity of farmers stock peanuts for a producer which the county committee determines is reasonable for seed purposes on the producer's farm for the 1952 crop.

Farmers in the southernmost areas of the United States will begin the planting of their 1952 crop of peanuts within the next few weeks and farmers in other peanut-producing areas of the nation are completing their plans for the production of peanuts in 1952. In order that peanut farmers who are affected by this amendment may make the necessary arrangements to have their peanuts shelled for use as seed for the production of their 1952 crop, it is essential that the amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C.

(Continued on p. 2041)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

1003) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon filing this document with the Director, Division of the Federal Register.

The marketing quota regulations for the 1951 crop of peanuts (16 F. R. 5672) are amended by adding the following section:

§ 729.270 *Peanuts shelled for seed.* Notwithstanding the provisions of §§ 729.240 to 729.269, inclusive, the marketing penalty shall not be applicable to the shriveled, damaged, split and broken peanut kernels which are obtained in the process of shelling farmers' stock peanuts of the 1951 crop for use by the producer as seed in 1952 if the county committee determines that the quantity of peanuts shelled by the producer is in line with the seed requirements on his farm in 1952.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 301, 359; 7 U. S. C. 1301, 1359)

Done at Washington, D. C., this 4th day of March 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-2708; Filed, Mar. 7, 1952; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreement and Orders), Department of Agriculture

[Lemon Reg. 425]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.532 *Lemon Regulation 425*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 5, 1952, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 9, 1952, and ending at 12:01 a. m., P. s. t., March 16, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 320 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 6th day of March 1952.

M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: Mar. 2, 1952]

District No. 2

[12:01 a. m. Mar. 9, 1952, to 12:01 a. m. Mar. 23, 1952]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.495
American Fruit Growers, Inc., Fullerton	.934
American Fruit Growers, Inc., Upland	.539
Badington Fruit Co.	.490
Hazeltine Packing Co.	1.233
Ventura Coastal Lemon Co.	2.349
Ventura Pacific Co.	1.513
Glendora Lemon Growers Association	2.834
La Verne Lemon Association	1.031
La Habra Citrus Association	1.321
Yorba Linda Citrus Association, The	.714
Escondido Lemon Association	5.175
Alta Loma Heights Citrus Association	1.138
Etiwanda Citrus Fruit Association	.721
Mountain View Fruit Association	.311
Old Baldy Citrus Association	1.239
San Dimas Lemon Association	1.772
Upland Lemon Growers Association	5.682
Central Lemon Association	1.147
Irvine Citrus Association	1.415
Placentia Mutual Orange Association	2.443
Corona Citrus Association	.506
Corona Foothill Lemon Co.	3.431
Jameson Co.	1.315
Arlington Heights Citrus Co.	1.821
College Heights Orange & Lemon Association	2.758
Chula Vista Citrus Association, The	1.133
Escondido Co-operative Citrus Association	.436
Fallbrook Citrus Association	2.626
Lemon Grove Citrus Association	.746
Carpinteria Lemon Association	2.061
Carpinteria Mutual Citrus Association	2.420
Goleta Lemon Association	3.112
Johnston Fruit Co.	3.126
North Whittier Heights, Citrus Association	1.035
San Fernando Heights, Lemon Association	3.370
Sierra Madre-Lamanda Citrus Association	1.394
Briggs Lemon Association	.866
Culbertson Lemon Association	1.095
Fillmore Lemon Association	1.115
Oxnard Citrus Association	3.804
Rancho Sespe	.416
Santa Clara Lemon Association	2.186
Santa Paula Citrus Fruit Association	2.434
Saticoy Lemon Association	2.234
Seaboard Lemon Association	3.004
Somis Lemon Association	2.678
Ventura Citrus Association	.498
Ventura County Citrus Association	.510
Limoneira Co.	1.680
Teague-McKevett Association	.572
East Whittier Citrus Association	.855
Leffingwell Rancho Lemon Association	.608
Murphy Ranch Co.	1.151
Chula Vista Mutual Lemon Association	.836
Index Mutual Association	.625
La Verne Cooperative Citrus Association	3.515

PRORATE BASE SCHEDULE—Continued

District No. 2—Continued

Handler	Prorate base (percent)
Orange Belt Fruit Distributors	0.906
Ventura Co. Orange & Lemon Association	1.919
Whittier Mutual Orange & Lemon Association	.022
Evans Bros. Packing Co.	.007
Huarte, Joseph D.	.079
Latimer, Harold	.053
MacDonald Fruit Co.	.038
Paramount Citrus Association, Inc.	.508
Torn Ranch	.000

[F. R. Doc. 52-2809; Filed, Mar. 7, 1952; 9:02 a. m.]

[Grapefruit Reg. 83]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.344 *Grapefruit Regulation 83*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than March 9, 1952. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 21, 1951, and will so continue until March 9, 1952; the recommendation and supporting information for continued regulation subsequent to March 8, 1952, was promptly submitted to the Department after an open meeting of the Administrative Committee on February 28; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., March 9, 1952, and ending at 12:01 a. m., P. s. t., April 20, 1952, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, unless such grapefruit grade at least U. S. No. 2: *Provided*, That, with respect to each lot of such grapefruit, a tolerance of 10 percent shall be allowed, in addition to the tolerances specified for such U. S. No. 2 grade, for grapefruit which are not "fairy well formed," or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than 3$^{5}/_{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than 3$^{3}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than 3$^{5}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{13}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than 3$^{3}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{19}/_{16}$ inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "fairly well formed" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 5th day of March 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-2711; Filed, Mar. 7, 1952; 8:47 a. m.]

[Orange Reg. 413, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the provisions of Order No. 66 (7 CFR Part 966) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.); and this amendment relieves restrictions on the handling of oranges.

Order, as amended. The provisions in paragraph (b) (1) and (b) (2) of § 966.559 (Orange Regulation 413, 17 F. R. 1851) are hereby amended to read as follows:

(1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., March 2, 1952, and ending at 12:01 a. m., P. s. t., March 9, 1952, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate Districts Nos. 1, 2, 3 and 4: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate Districts Nos. 1, 2, 3 and 4: Unlimited movement.

(2) The size requirements in Orange Regulations 406 (7 CFR 966.552; 17 F. R. 385) and 412 (7 CFR 966.558; 17 F. R. 1648) are hereby terminated.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 7th day of March 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-2831; Filed, Mar. 7, 1952; 11:25 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 96[1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

MISCELLANEOUS AMENDMENTS

1. Part 373 is amended by adding thereto a new section (§ 373.35) to read as follows:

§ 373.35 *Special provisions for plumbers' brass goods.* Applications for licenses to export plumbers' brass goods (copper-base alloy plumbing fixtures and fittings and specially fabricated parts), Schedule B No. 618857 (formerly Schedule B Nos. 645600, 646900, and 669198), must state, in pounds, the total amount of such commodities manufactured in foreign countries and imported into the United States. If all of such commodities were manufactured in the United States, that fact shall be stated specifically on the application.

2. Section 373.51 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended to read as follows:

§ 373.51 *Supplement No. 1:*

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES[1]

SECOND AND THIRD QUARTERS, 1952

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Second quarter 1952	Third quarter 1952
	Hides and skins, raw, except furs[2]		
020104	Cattle hides, wet	The first month of the current calendar quarter.	The first month of the current calendar quarter.
020602	Calf skins, dry		
020604	Calf skins, wet (include slunk skins)		
020702	Kip skins, dry		
020704	Kip skins, wet		
025098	Buffalo hides		
	Coal and related fuels		
500100	Coal, anthracite	On or before the 20th of the month preceding month export will be made.	On or before the 20th of the month preceding month export will be made.
500200	Coal, bituminous, sub-bituminous, and lignite		
500400	Coke (except petroleum coke)		
	Metals and manufactures[3]		
618857	Copper-base alloy (including brass and bronze) plumbing fixtures and fittings (including pipe valves with working pressure not exceeding 125 p. s. i. W.O.G. ratings), and specially fabricated parts, n. e. c. (specify by name).	Mar. 1-Mar. 15, 1952.	
	Controlled materials:[4][5]		
	Commodities with processing code STEE	Dec. 1-Dec. 15, 1951	Feb. 15-Feb. 29, 1952.
	Commodities with processing code TNPL:		
	Specification production plate	Dec. 5-Dec. 20, 1951	Mar. 24-Apr. 21, 1952.
	Secondary tinplate products	Mar. 1-Mar. 31, 1952	
	Commodities with processing code NONF	Dec. 15-Dec. 31, 1951	Feb. 15-Feb. 29, 1952.
	Commodities other than controlled materials:		
	All commodities with processing code NONF under the following headings:		
	Aluminum and manufactures	Feb. 1-Feb. 15, 1952	
	Copper and manufactures		
	Brass and bronze manufactures		
	Lead, nickel, tin, zinc and manufactures		
651517	Babbitt metal	Feb. 1-Feb. 15, 1952	
664514	Cadmium metal, alloys, dross, flue dust, residues, and scrap (including metallic shapes).		

[1] Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time (see § 372.3 (a) of this chapter).

[2] Applications for licenses covering these commodities submitted in accordance with the provisions of § 373.6 may be submitted at any time.

[3] The submission dates for these commodities are also applicable to project license applications (see §§ 374.2 (f) of this chapter and 374.3 (d) of this chapter), but are not applicable to petroleum project licenses (see § 398.8 (d) of this chapter).

[4] See § 398.5 (e) of this chapter for list of controlled materials.

[5] See § 398.5 (d) of this chapter for exception to these dates under certain conditions.

3. Section 398.5 *CMP: Export allocations and procedures*, paragraph (b) *Export quotas and allotment symbols for controlled materials* is amended in the following particulars:

a. A new subparagraph (4) *Requests for conversion of allotments—CMP Class A products* is added thereto to read as follows:

(4) *Requests for conversion of allotments—CMP Class A products.* If a licensee holding a validated license and NPA Form CMP-10 is unable to place his order for CMP Class A products during the quarter specified by the Office of International Trade (on Form CMP-10 or other appropriate document), and a conversion of that right or allocation to a subsequent quarter is desired, the exporter or the manufacturer shall return the validated Form CMP-10 or other appropriate document to the Office of In-

[1] This amendment was published in Current Export Bulletin No. 660, dated February 28, 1952.

ternational Trade, accompanied by a letter stating why a conversion is necessary. If the request is granted, a new validated NPA Form CMP–10 will be issued.

b. Subparagraph (4) *Requests for conversion of CMP allotments* is renumbered subparagraph (5) *Requests for conversion of allotments—CMP (controlled) materials,* and subparagraphs (5) *Controlled materials used as MRO,* (6) *Right to apply procurement allotment numbers and symbols for certain steel mill products* and (7) *CMP Class B products* are respectively renumbered subparagraphs (6), (7), and (8).

This amendment shall become effective as of February 28, 1952.

(Sec. 3, 63 Stat. 7; Pub. Law 33, 82d Cong., 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52–2702; Filed, Mar. 7, 1952; 8:46 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 74 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following commodity is changed from an R to RO commodity:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
596012....	Cryolite, natural and artificial.....	Lb.	MINL	[1] 10	RO

[1] The GLV dollar value limits is reduced from $100 to $10.

This amendment shall become effective as of 12:01 a. m., March 1, 1952.

Shipments of any commodities removed from general license to Country Group O destinations as a result of changes set forth in this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., March 1, 1952, may be exported under the previous general license provisions up to and including March 29, 1952. Any such shipment not laden aboard the exporting carrier on or before March 29, 1952, requires a validated license for export.

(Sec. 3, 63 Stat. 7, Pub. Law 33, 82d Cong.; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52–2701; Filed, Mar. 7, 1952; 8:46 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 169—IMMIGRATION BONDS

COLLECTION OF BONDS

FEBRUARY 20, 1952.

Paragraph (b) of § 169.3, *Violation of conditions; cancellation; appeal,* of Chapter I, Title 8 of the Code of Federal Regulations, is hereby revoked and paragraph (c) of that section is designated paragraph (b).

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675, 8 U. S. C. 102, 222, 458)

ARGYLE R. MACKEY,
Commissioner,
Immigration and Naturalization.

Approved: February 29, 1952.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 52–2700; Filed, Mar. 7, 1952; 8:46 a. m.]

[1] This amendment was published in Current Export Bulletin No. 660, dated February 28, 1952.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5482]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CARPEL FROSTED FOODS, INC., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended: Payment or acceptance of commission, brokerage or other compensation under 2 (c):* § 3.810 *Buyers' corporate or other agent: Payment for services or facilities for processing or sale under 2 (d):* § 3.825 *Allowances for services or facilities.* I. In connection with the sale of food products, or other merchandise, in commerce, and on the part of respondent Carpel Frosted Foods, Inc., and its officers, and on the part of respondents Harry L. and Albert J. Carpel, individually and as officers thereof, and on the part of their representatives, etc. (1) paying or granting, directly or indirectly, to District Grocery Stores, Inc., or to its members, or to any other buyer, or to any agent, representative, or other intermediary acting for or in behalf of or subject to the direct or indirect control of any such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, on sales for such buyer's own account; or, (2) paying or contracting to pay anything of value to, or for the benefit of, any purchaser for advertising or promotional services or facilities furnished by, or contracted to be furnished by, such purchaser in connection with the processing, handling, sale or offering for sale of any of said respondents' products unless such payment or consideration is available to all other competing purchasers on proportionally equal terms; and, II, in connection with the purchase of food products, or other merchandise in commerce, and on the part of respondent District Grocery Stores, Inc., and its officers, etc., receiving or accepting from Carpel Frosted Foods, Inc., or any other seller, directly or indirectly, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase made by District Grocery Stores, Inc., for resale by it to its members, or upon any purchase made by any such member from Carpel Frosted Foods, Inc., or any other seller; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Carpel Frosted Foods, Inc., et al., Docket 5482, December 13, 1951]

In the Matter of Carpel Frosted Foods, Inc., a Corporation; Harry L. Carpel, Albert J. Carpel, Nathan Gumenick, and John L. Brawner, Individuals; and District Grocery Stores, Inc., a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answers of the respondents, testimony and other evidence in support of and in opposition to the allegations of the Commission taken before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner and exceptions filed thereto, and briefs and oral argument of counsel; and the Commission having disposed of said exceptions to the recommended decision of the trial examiner by separate order and having made its findings as to the facts [1] and its conclusion [1] that respondents Carpel Frosted Foods, Inc., a corporation, Harry L. Carpel, Albert J. Carpel, and District Grocery Stores, Inc., have violated the provisions of subsection (c) of section 2 of the act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by an act of Congress approved June 19, 1936 (the Robinson-Patman Act), and that the respondents Carpel Frosted Foods, Inc., a corporation, Harry L. Carpel, and Albert J. Carpel have violated subsection (d) of section 2 of said Clayton Act as amended by the Robinson-Patman Act:

[1] Filed as part of the original document.

I. *It is ordered*, That the respondent Carpel Frosted Foods, Inc., a corporation, and its officers, and the respondents Harry L. Carpel and Albert J. Carpel, individually and as officers of said corporation, and their representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale of food products, or other merchandise, in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

1. Paying or granting, directly or indirectly, to District Grocery Stores, Inc., or to its members, or to any other buyer, or to any agent, representative, or other intermediary acting for or in behalf of or subject to the direct or indirect control of any such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, on sales for such buyer's own account.

2. Paying or contracting to pay anything of value to, or for the benefit of, any purchaser for advertising or promotional services or facilities furnished by, or contracted to be furnished by, such purchaser in connection with the processing, handling, sale or offering for sale of any of said respondents' products unless such payment or consideration is available to all other competing purchasers on proportionally equal terms.

II. *It is further ordered*, That respondent District Grocery Stores, Inc., and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of food products, or other merchandise, in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Receiving or accepting from Carpel Frosted Foods, Inc., or any other seller, directly or indirectly, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase made by District Grocery Stores, Inc., for resale by it to its members, or upon any purchase made by any such member from Carpel Frosted Foods, Inc., or any other seller.

III. *It is further ordered*, That the complaint herein be, and the same hereby is, dismissed as to Nathan Gumenick and John F. Brawner (named in the complaint as John L. Brawner).

IV. *It is further ordered*, That each of the respondents herein, except those as to whom the complaint is dismissed, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: December 13, 1951.

NOTE: Commissioner Mason dissented in his opinion.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-2690; Filed, Mar. 7, 1952; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter D—Employment Taxes

[Regulations 116; T. D. 5887]

PART 405—COLLECTION OF INCOME TAX AT SOURCE ON WAGES

ADDITIONAL WITHHOLDING

On January 3, 1952, notice of proposed rule making amending Regulations 116, relating to collection of income tax at source on wages (26 CFR Part 405), to conform to section 203 of the Revenue Act of 1951, approved October 20, 1951, was published in the FEDERAL REGISTER (17 F. R. 86). After consideration of all relevant matter presented by interested persons regarding the proposed amendments, Regulations 116 are hereby amended by inserting immediately after § 405.212 the following:

SEC. 203. ADDITIONAL WITHHOLDING OF TAX ON WAGES UPON AGREEMENT BY EMPLOYER AND EMPLOYEE (TITLE II, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 1622 (relating to income tax collected at source on wages) is hereby amended by adding at the end thereof the following new subsection:

(k) *Additional withholding.* The Secretary is authorized by regulations to provide, under such conditions and to such extent as he deems proper, for withholding in addition to that otherwise required under this section in cases in which the employer and the employee agree (in such form as the Secretary may by regulations prescribe) to such additional withholding. Such additional withholding shall for all purposes be considered tax required to be deducted and withheld under this subchapter.

SEC. 204. EFFECTIVE DATE (TITLE II, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by this title shall be applicable only with respect to wages paid on or after November 1, 1951.

§ 405.213 *Additional withholding.* In addition to the tax required to be deducted and withheld in accordance with the provisions of section 1622, the employer and employee may agree, with respect to wages paid on or after November 1, 1951, that an additional amount shall be withheld from the employee's wages. The agreement shall be in writing and shall be in such form as the employer may prescribe. The agreement shall be effective for such period as the employer and employee mutually agree upon; however, unless the agreement provides for an earlier termination, either the employer or the employee, by furnishing a written notice to the other, may terminate the agreement effective with respect to the first payment of wages made on or after the first "status determination date" (January 1 and July 1 of each year) which occurs at least 30 days after the date on which such notice is furnished.

The amount deducted and withheld pursuant to an agreement between the employer and employee shall be considered as tax required to be deducted and withheld under section 1622. All provisions of law and regulations applicable with respect to the tax required to be deducted and withheld under section 1622 shall be applicable with respect to any amount deducted and withheld pursuant to the agreement.

The amount deducted and withheld pursuant to an agreement between the employer and employee, together with the tax required to be deducted and withheld under section 1622, shall be reported on Form W-2 and on Form 941 as Federal income tax withheld from wages.

(53 Stat. 188; 26 U. S. C. 1609. Interprets or applies sec. 203, Pub. Law 183, 82d Cong.)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: March 7, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-2832; Filed, Mar. 7, 1952; 11:24 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter A—Military Renegotiation Board Regulations Under the Renegotiation Act of 1948

PART 1422—PROCEDURE FOR RENEGOTIATION

This part is amended by deleting § 1422.233 in its entirety and inserting in lieu thereof the following:

§ 1422.233 *Cancellation of assignment.*

§ 1422.233-1 *Class A cases.* The Board will cancel an assignment in a Class A case whenever it appears that the contractor has not realized excessive profits for the fiscal year in question. Ordinarily, the Board will cancel an assignment only after the Regional Board to which the assignment has been made has advised the Board that in its opinion the contractor has not realized excessive profits and that the assignment should be canceled.

§ 1422.233-2 *Class B cases.* The Regional Board to which a Class B case is assigned may cancel such assignment whenever it appears that the contractor has not realized excessive profits for the fiscal year in question.

§ 1422.233-3 *Effect of cancellation.* After an assignment has been canceled, no further action will be taken by the Board or the Regional Board, as the case may be, with respect to the fiscal year in question in the absence of a subsequent indication that there is a possibility that the contractor has realized excessive profits for such fiscal year.

(Sec. 109, Pub. Law 9, 82d Cong.)

Dated: March 5, 1952.

JOHN T. KOEHLER,
Chairman,
the Renegotiation Board.

[F. R. Doc. 52-2752; Filed, Mar. 7, 1952; 8:51 a. m.]

Chapter XVIII—United States Court of Military Appeals

PART 1800—RULES OF PRACTICE AND PROCEDURE

REVISION

The rules of practice and procedure of the United States Court of Military Appeals prescribed pursuant to authority contained in Article 67 of the Uniform Code of Military Justice, act of May 5, 1950 (64 Stat. 128), to which Code reference should be made for all Articles cited herein, and which apeared at 16 F. R. 7279, 10159, are hereby revised to read as follows:

GENERAL

CLERK'S OFFICE

ADMISSIONS

APPEARANCE AND ASSIGNMENT OF COUNSEL

APPEALS

TIME REQUIREMENTS FOR FILING APPEALS, PLEADINGS, OR OTHER PAPERS

PROVISIONS APPLICABLE TO PLEADINGS OR OTHER PAPERS FILED

BRIEFS

HEARINGS

PETITION FOR REHEARING OR MODIFICATION

PETITION FOR NEW TRIAL

MANDATES

OPINIONS

AUTHORITY: §§ 1800.1 to 1800.58 issued under Art. 67, Pub. Law 506, 81st Cong.

GENERAL

§ 1800.1 *Name.* The Court adopts "United States Court of Military Appeals" as the title of the Court.

§ 1800.2 *Seal.* The seal of the Court is of the following description:

In front of a silver sword, point up, a gold and silver balance supporting a pair of silver scales, encircled by an open wreath of oak leaves, green with gold acorns; all on a grey blue background and within a dark blue band edged in gold and inscribed "United States Court of Military Appeals" in gold letters. (E. O. 10295, September 28, 1951, 16 F. R. 10011)

§ 1800.3 *Jurisdiction.* The Court will review the record in the following cases:

(a) *General or flag officers; death sentences.* All cases in which the sentence, as affirmed by a board of review, affects a general or flag officer, or extends to death;

(b) *Certified by The Judge Advocate General.* All cases reviewed by a board of review which The Judge Advocate General forwards by Certificate for Review to this Court; and,

(c) *Petitioned by the accused.* All cases reviewed by a board of review in which, upon petition of the accused and on good cause shown, the Court has granted a review, except those reviewed under Article 69.

§ 1800.4 *Scope of review.* The Court will act only with respect to the findings and sentence as approved by the convening or reviewing authority, and as affirmed or as set aside as incorrect in law by a board of review. In those cases which The Judge Advocate General forwards to the Court by Certificate for Review, action need be taken only with respect to the issues raised by him. In a case reviewed upon petition of the accused, action need be taken only with respect to issues specified by the Court in the grant of review. The Court may, in any case, however, review other matters of law which materially affect the rights of the parties. The points raised in the Court will involve only errors in law.

§ 1800.5 *Quorum.* Two of the judges shall constitute a quorum. The concurrence of two judges shall be required for the rendition of a final decision or the allowance or denial of a Petition for Grant of Review. In the absence of a quorum, any judge may make all necessary orders relating to any matter pending before the Court relative to the filing of papers or preparatory to a hearing or decision thereon. If, at any time, a quorum is not present on any day appointed for holding a hearing, any judge present may adjourn the Court from time to time, or, if no judge is present, the Clerk may adjourn Court from day to day.

§ 1800.6 *Process.* All process of the Court, except mandates, shall be in the name of the President of the United States, and shall contain the given names as well as the surname of the parties.

§ 1800.7 *Parties.* The accused will be deemed to be the appellant in all cases except those in which The Judge Advocate General has certified a decision of a board of review in which a finding of guilty is set aside. In such cases, the United States shall be deemed the appellant.

CLERK'S OFFICE

§ 1800.8 *Clerk*—(a) *Location of office.* The Clerk of the Court shall keep the office at the seat of the National Government, Washington, D. C.

(b) *Restriction on incumbent.* He shall not practice as attorney or counsellor in any court while he continues in office.

(c) *Oath of office.* Before he enters on the execution of his office, he shall take an oath in the form prescribed by 28 U. S. C. 951, which reads:

I, ----------, having been appointed ----------, do solemnly swear (or affirm) that I will truly and faithfully enter and record all orders, decrees, judgments, and proceedings of such Court, and will faithfully and impartially discharge all other duties of my office according to the best of my abilities and understanding. So help me God.

(d) *Custodian of records.* He shall not permit an original record, pleading, or other paper relative to a case to be taken from the Courtroom or from the office without an order from a Judge of the Court.

(e) *Hours.* The office of the Clerk will be open from 9 a. m. to 4 p. m. every week-day except holidays and Saturdays. On Saturdays, the office of the Clerk will be open from 9 a. m. to 12 noon.

§ 1800.9 *Docket*—(a) *Maintenance of docket.* The Clerk shall maintain in his office a docket, in which shall be entered the receipt of all pleadings or other papers filed, and any action by the Court relative to a case. Entries in the docket shall be noted chronologically on the page or pages assigned to the case, showing briefly the date, the nature of each pleading or other paper filed, and the substance of any action by the Court.

(b) *Docket number.* Upon receipt of either the Petition for Grant of Review,

the Certificate for Review, or the Assignment of Errors or petition, the case shall be assigned a docket number. All pleadings or other papers subsequently filed in the case shall bear this number.

(c) *Notice of docketing.* The Clerk shall promptly notify The Judge Advocate General of the service concerned, and the accused or his appellate counsel, of the receipt and docketing of the case, including the docket number assigned.

ADMISSIONS

§ 1800.10 *Professional requirements.* It shall be requisite to the admission of a person to practice in the Court that he be a member of the bar of a Federal court or of the highest court of a State.

§ 1800.11 *Application form.* In order to appear before the Court, an application shall be filed with the Clerk on a form supplied by him, which form shall be available upon request.

§ 1800.12 *Certificate.* In addition, the applicant shall file a certificate from the presiding judge or clerk of the proper court that the applicant is a member of the bar and that his private and professional character appear to be good or, in lieu thereof, a certificate by The Judge Advocate General containing substantially the same information.

§ 1800.13 *Oath.* Upon being admitted, each applicant shall take in open court the following oath or affirmation, viz:

I, ----------, do solemnly swear (or affirm) that I will support the Constitution of the United States; and, that I will demean myself, as an attorney and counsellor of this Court, uprightly, and according to law.

§ 1800.14 *Motions.* Admissions will be granted upon motion of the Court or upon oral motion by a person admitted to practice before the Court, on any day the Court holds a regular session.

APPEARANCE AND ASSIGNMENT OF COUNSEL

§ 1800.15 *Entry of appearance by counsel*—(a) *In writing.* Civilian and military appellate counsel shall file an entry of appearance in writing before participating in a case.

(b) *Filing of pleading or other paper.* The filing of any pleading or other paper relative to a case will constitute such an entry of appearance.

§ 1800.16 *Assignment of counsel.* Whenever a record of trial is forwarded by The Judge Advocate General for review, he shall immediately designate appellate Government counsel, and shall immediately designate appellate defense counsel, unless he has been notified that the accused desires to be represented before the Court by civilian counsel.

APPEALS

§ 1800.17 *Methods of appeal.* Cases shall be appealed to the Court by one of the following methods:

(a) *Cases under Article 67 (b) (3).* All cases under Article 67 (b) (3) shall be appealed by a Petition for Grant of Review, and such petition shall be substantially in the form provided in § 1800.18.

(b) *Cases under Article 67 (b) (2).* All cases under Article 67 (b) (2) shall be forwarded by The Judge Advocate General by a Certificate for Review, and such certificate shall be substantially in the form provided in § 1800.19.

(c) *Cases under Article 67 (b) (1).* All cases under Article 67 (b) (1) shall be forwarded by The Judge Advocate General accompanied by a petition of the accused or an Assignment of Errors urged by appellate counsel for the accused substantially in the form provided in § 1800.20.

§ 1800.18 *Form of Petition for Grant of Review.* The Petition for Grant of Review under Article 67 (b) (3) shall be substantially in the following form:

IN THE UNITED STATES COURT OF MILITARY APPEALS

PETITION FOR GRANT OF REVIEW

Board of Review No. --------
Docket No. ----------

UNITED STATES, APPELLEE

v.

APPELLANT

To the Honorable, the Judges of the United States Court of Military Appeals:

1. The accused having been found guilty of a violation of the Uniform Code of Military Justice, Article ------, and having been sentenced to ---------- on ---------- at ------ by ----------, and said sentence having been approved by the convening authority and affirmed by a Board of Review on --------, hereby petitions the United States Court of Military Appeals for a grant of review of the decision of the Board of Review, pursuant to the provisions of the Uniform Code of Military Justice, Article 67 (b) (3).

2. Insert either (A) or (B), whichever is applicable:

(A) (*If accused desires counsel appointed by The Judge Advocate General.*)

"The accused requests appellate defense counsel be designated by The Judge Advocate General to represent him in processing this Petition for Grant of Review, and during the review, if the same be granted by the United States Court of Military Appeals."

(B) (*If accused desires to retain other counsel.*)

"The accused requests appellate defense counsel be designated by The Judge Advocate General to represent him, in association with his privately-retained counsel, named below, to the extent such privately-retained counsel may desire. Name and address of privately retained counsel --------
----------."

3. The accused contends that the Board of Review erred in its consideration of the case on the following questions of law: (Here set forth separately and particularly each error assigned upon which accused relies, including such points and authorities as may be desired.)

4. The accused was notified of the decision of the Board of Review on ----------.

(Accused) or (Appellate Counsel for accused)

(Address)

Received a copy of the foregoing Petition for Grant of Review this -------- day of ----------

---
For The Judge Advocate General

§ 1800.19 *Form of Certificate for Review.* The Certificate for Review under Article 67 (b) (2) shall be substantially in the following form:

IN THE UNITED STATES COURT OF MILITARY APPEALS

CERTIFICATE FOR REVIEW

Board of Review No. --------
Docket No. ----------

UNITED STATES, (APPELLEE) (APPELLANT)

v.

(APPELLANT) (APPELLEE)

To the Honorable, the Judges of the United States Court of Military Appeals:

1. Pursuant to the Uniform Code of Military Justice, Article 67 (b) (2), the record of trial, and the decision of the Board of Review, United States ----------, in the above-entitled case, are forwarded for review.

2. The accused was found guilty of a violation of the Uniform Code of Military Justice, Article ------, was sentenced to ------ ------, on ----------, at ---------- by ----------. The sentence was approved by the convening authority and affirmed by a Board of Review on ----------.

3. It is requested that action be taken with respect to the following issues:

(The Judge Advocate General)

Received a copy of the foregoing Certificate for Review this ------ day of ----------, 19-----.

(Appellate Government Counsel)

(Address)

(Appellate Defense Counsel)

(Address)

§ 1800.20 *Form of Assignment of Errors or petition.* The Assignment of Errors or petition under Article 67 (b) (1) shall be substantially in the following form:

IN THE UNITED STATES COURT OF MILITARY APPEALS

(ASSIGNMENT OF ERRORS) OR (PETITION)

Board of Review No. --------
Docket No. ----------

UNITED STATES, APPELLEE

v.

Appellant

To the Honorable, the Judges of the United States Court of Military Appeals:

1. The accused having been found guilty of a violation of the Uniform Code of Military Justice, Article ------, and having been sentenced to ---------- on ---------- at ---------- by ---------- and said sentence having been approved by the convening authority and affirmed by a Board of Review on ----------, hereby (presents an Assignment of Errors directed to) or (petitions from) the decision of the Board of Review, pursuant to the provisions of the Uniform Code of Military Justice, Article 67 (b) (1).

2. It is contended that the Board of Review erred in its consideration of the case on the following questions of law: (Here set forth separately and particularly each error assigned upon which accused relies, including such points and authorities as may be desired).

3. The accused was notified of the decision of the Board of Review on ----------.

(Appellate counsel for accused) or (Accused)

(Address)

Received a copy of the foregoing (Assignment of Errors) or (Petition) this ------ day of ----------

---
For The Judge Advocate General

§ 1800.21 *Reply to Petition for Grant of Review*—(a) *Time requirement.* Within 15 days after the filing of a Petition for Grant of Review by an accused under Article 67 (b) (3), appellate Government counsel shall file a reply to the original petition stating his views with respect to the merits of the errors of law raised in the petition and why he believes the petition should not be granted.

(b) *Form.* This reply shall be similar in form to the petition, and brief of the accused, should one be filed, except that if the appellate Government counsel disagrees with the statement of facts, or desires to supplement it with additional facts, he shall start his reply with new information.

TIME REQUIREMENTS FOR FILING APPEALS, PLEADINGS, OR OTHER PAPERS

§ 1800.22 *Petition for Grant of Review*—(a) *Time requirement.* The accused shall file a Petition for Grant of Review within 30 days after receipt of the decision of a board of review in cases appealed to the Court under Article 67 (b) (3).

(b) *Postmark; deposit in military channels.* A Petition for Grant of Review shall be deemed to have been filed upon the date postmarked on the envelope containing the petition, or upon the date when the petition is deposited in military channels for transmittal.

(c) *Forwarded through The Judge Advocate General.* A Petition for Grant of Review should be forwarded through The Judge Advocate General of the service concerned.

§ 1800.23 *Certificate for Review.* The Judge Advocate General shall file a Certificate for Review within 30 days after receipt of the decision of a board of review in cases forwarded to the Court under Article 67 (b) (2).

§ 1800.24 *Assignment of Errors or petition.* The accused or his appellate counsel shall file an Assignment of Errors or petition within 30 days after receipt of the decision of a board of review in cases forwarded to the Court under Article 67 (b) (1).

§ 1800.25 *Pleadings or other papers.* All pleadings or other papers relative to a case, transmitted by mail or other means for filing in the office of the Clerk, shall not be deemed to have been filed until received in his office. (For exception relative to the filing of a Petition for Grant of Review see § 1800.22.)

§ 1800.26 *Computation of time.* In computing any period of time prescribed or allowed by this part, by order of Court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday.

§ 1800.27 *Enlargement.* When by this part or by notice given thereunder, or by order of Court, an act is required or allowed to be done at or within a specified time, the Court for cause shown may at any time in its discretion:

(a) *Before expiration of period prescribed or extended.* With or without motion or notice, order the period extended if request therefor is made before the expiration of the period as originally prescribed or as extended by previous order, or

(b) *After expiration of specified period.* Upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect, but the time for filing a Petition for Grant of Review as prescribed in Article 67 (c) and § 1800.22 will not be extended.

§ 1800.28 *Motions.* All motions, unless made during the course of a hearing, shall state with particularity the relief sought and the grounds therefor. Any opposition to a motion shall be filed within 5 days after receipt of service of the motion on the moving party.

§ 1800.29 *Additional time when service is by mail.* Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice, pleading, or other paper relative to a case upon him when such service is made upon him by mail, 3 days shall be added to the prescribed period if the party upon whom the service is made is within the continental limits of the United States, and 15 days shall be added thereto if the party is located outside those limits.

§ 1800.30 *Continuances and interlocutory matters.* The Court may extend any times prescribed by this part, may grant continuances and postponements from time to time, and may take such other action the Court considers necessary for a full, fair and expeditious disposition of a case.

PROVISIONS APPLICABLE TO PLEADINGS OR OTHER PAPERS FILED

§ 1800.31 *Filing.* All pleadings or other papers relative to a case shall be filed in the office of the Clerk.

§ 1800.32 *Copies.* An original and four legible copies of all pleadings or other papers relative to a case shall be filed.

§ 1800.33 *Style.* All pleadings or other papers relative to a case shall be printed or typewritten.

(a) *If printed.* They shall be in such form and size that they can be conveniently bound together.

(b) *If typewritten.* They shall be double-spaced on legal cap white paper securely fastened at the top.

§ 1800.34 *Record references.* All record references shall show page numbers and any exhibit designations.

§ 1800.35 *Signature.* All pleadings or other papers relative to a case shall be signed and shall show the name and address of the person signing, together with his military rank, if any, and the capacity in which he signs the paper. Such signature shall constitute a certificate that the statements made therein are true and correct to the best of the knowledge, information, and belief of the person signing the pleading or paper, and that the pleading or paper is filed in good faith and not for the purpose of unnecessary delay.

§ 1800.36 *Service*—(a) *In general.* Prior to the filing of any pleading or other paper relative to a case in the office of the Clerk, service of a copy of the same shall be made on the opposing party. In the case of a Certificate for Review, service of a copy thereof shall be made on appellate Government counsel and the accused or his appellate counsel.

(b) *By mail.* Any pleading or other paper filed relative to a case may be served on opposing party by mail. When service by mail is used a certificate shall be included in the original pleading or other paper filed substantially in the following form:

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed to counsel for the ---------- on the ------ day of ---------- 19----.

(Name)

(Address)

Counsel for ----------

BRIEFS

§ 1800.37 *Form of brief.* All briefs shall be in substantially the following form:

IN THE UNITED STATES COURT OF MILITARY APPEALS

BRIEF ON BEHALF OF (ACCUSED) (UNITED STATES)

Board of Review No. -------
Docket No. ----------

UNITED STATES (APPELLANT) (APPELLEE)

v.

(APPELLEE) (APPELLANT)

INDEX OF BRIEF

(Omit if brief is less than 10 pages)

Statement of Facts

(Set forth a concise statement of the facts of the case material to the issues concerning which any error is assigned. Portions of the record and other matters of evidentiary nature shall not be included in this statement. Pertinent portions of the statement of facts in briefs of appellate counsel or the decision of the Board of Review may be utilized.)

Assignment of Errors

(Here set forth each error assigned in the Petition for Grant of Review, or each issue raised in the Certificate for Review, or each error assigned in the Assignment of Errors or petition, or each issue specified by the Court.)

Argument

(Discuss briefly the points of law presented, citing and quoting such authorities as are deemed pertinent.)

Conclusion

Insert (A), (B), or (C), whichever is applicable:

(A) "For the reasons stated the accused is entitled to a grant of review under the pro-

vision of the Uniform Code of Military Justice, Article 67 (b) (3)."

(B) "This brief is submitted under the provisions of the Uniform Code of Military Justice, Article 67 (b) (2)."

(C) "This brief is submitted under the provisions of the Uniform Code of Military Justice, Article 67 (b) (1)."

(Signature of Counsel)

(Address)

Received a copy of the foregoing brief this ------ day of ----------

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For The Judge Advocate General

§ 1800.38 *Brief in support of Petition for Grant of Review.* If desired, a brief may accompany a Petition for Grant of Review.

§ 1800.39 *Brief in support of Certificate for Review*—(a) *By appellant.* A brief shall be filed by appellant in support of a Certificate for Review within 20 days of the filing of such certificate.

(b) *By appellee.* Appellee's brief shall be filed within 20 days of the filing of appellant's brief. If appellant fails to file a brief, appellee may file his brief within 20 days after expiration of the time allowed for the filing of appellant's brief.

§ 1800.40 *Brief in support of Assignment of Errors or petition.* (a) *By appellant.* A brief shall be filed by appellant in support of an Assignment of Errors or petition within 30 days of the filing of such Assignment or petition.

(b) *By appellee.* Appellee's brief shall be filed within 20 days of filing of appellant's brief. If appellant fails to file a brief, appellee may file his brief within 20 days after expiration of the time allowed for the filing of appellant's brief.

§ 1800.41 *Brief in support of petition granted.* A brief in support of a petition granted shall be filed on issues raised by parties, or specified by the Court.

(a) *By appellant.* A brief shall be filed by appellant within 30 days of the entry of the order of the Court granting review.

(b) *By appellee.* Appellee's brief shall be filed within 20 days of filing of appellant's brief. If appellant fails to file a brief, appellee may file his brief within 20 days after expiration of the time allowed for the filing of appellant's brief.

HEARINGS

§ 1800.42 *Petition for Grant of Review.* Except when ordered by the Court, oral argument will not be permitted on a petition for Grant of Review.

§ 1800.43 *Motions.* Except when ordered by the Court, oral argument will not be permitted on motions.

§ 1800.44 *Oral argument.* Oral argument will be heard after briefs have been filed in accordance with §§ 1800.39, 1800.40, or 1800.41.

(a) *Presentation.* The appellant shall be entitled to open and close the argument; in the event both parties desire a review of a decision of a board of review, the accused shall be entitled to open and close.

(b) *Number of counsel.* Not more than two counsel for each side shall be heard in oral argument unless the Court otherwise orders.

(c) *Time.* Not more than forty-five minutes on each side shall be allowed for oral argument unless the time is extended by leave of Court.

(d) *Failure of counsel to appear.* If counsel fail to appear at the time set for oral argument the Court may consider the case as having been submitted without argument or, in its discretion, continue the case until a later date.

(e) *Failure of counsel for one party to appear.* If counsel for one party fails to appear the Court may hear oral argument from the counsel appearing or, in its discretion, continue the case until a later date.

(f) *Waiver of oral argument.* A case may be submitted on briefs without oral argument with permission of the Court.

§ 1800.45 *Notice of hearing.* The Clerk shall give at least 10 days' notice in writing of the time and place for any hearing.

PETITION FOR REHEARING OR MODIFICATION

§ 1800.46 *Time requirement on filing.* A petition for rehearing or modification shall be filed within 5 days from receipt of notice of entry of an order, decision, or opinion by the Court.

§ 1800.47 *Contents.* The petition for rehearing or modification shall state briefly and directly its grounds and be supported by a certificate of counsel to the effect that it is presented in good faith and not for delay.

§ 1800.48 *Oral argument.* Except when ordered by the Court oral argument will not be permitted on a petition for rehearing or modification.

PETITION FOR NEW TRIAL

§ 1800.49 *Filing.* A petition for new trial shall be filed with The Judge Advocate General of the service concerned.

§ 1800.50 *Notice of reference.* Upon receipt from The Judge Advocate General of a petition for new trial in a case pending before the Court, the Clerk shall notify the accused or his counsel of such receipt.

§ 1800.51 *Proceedings.* The proceedings on a petition for new trial referred to the Court under the provisions of Article 73 will be in accordance with this part except as stated in §§ 1800.49 to 1800.54.

§ 1800.52 *Additional investigation.* The Court on considering a petition for new trial may refer the matter to a referee to make further investigation, to take evidence and to make such recommendations to the Court as he deems appropriate.

§ 1800.53 *Briefs; answer*—(a) *By petitioner.* Any brief in support of a petition for new trial shall be filed within 10 days after the docketing of the petition.

(b) *By Government counsel.* Any reply brief or answer to a petition for new trial shall be filed within 10 days of filing of petition or petitioner's brief.

§ 1800.54 *Oral argument.* Except when ordered by the Court oral argument will not be permitted on a petition for new trial.

MANDATES

§ 1800.55 *Issuance.* Mandates shall issue after the expiration of 10 days from the day the opinion of the Court is filed with the Clerk, unless a petition for rehearing or modification is filed or the time is shortened or enlarged by order of the Court.

§ 1800.56 *Petition denied.* No mandate shall issue upon the denial of a Petition for Grant of Review. Whenever a Petition for Grant of Review is denied, the Clerk shall enter an order to that effect and shall forthwith notify The Judge Advocate General of the service concerned and counsel of record.

OPINIONS

§ 1800.57 *Filing.* All opinions of the Court shall be filed with the Clerk for preservation.

§ 1800.58 *Reproduction and distribution.* The reproduction, printing, and distribution of all opinions shall be pursuant to the direction of and under the supervision of the Clerk.

These revised rules shall be effective March 1, 1952.

ROBERT E. QUINN,
Chief Judge.
GEORGE W. LATIMER,
Judge.
PAUL W. BROSMAN,
Judge.

[F. R. Doc. 52-2808; Filed, Mar. 6, 1952; 4:48 p. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 34, Supplementary Regulation 13]

CPR 34—SERVICES

SR 13—WINDOW WASHING AND BUILDING JANITORIAL SERVICES IN THE NEW YORK AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 13 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation to Ceiling Price Regulation 34 authorizes an increase in ceiling prices for persons who supply window washing and building janitorial services in the City of New York and in the Counties of Westchester, Nassau and Suffolk, State of New York, to reflect the amount of direct labor wage increases occurring after January 25, 1951, if the Wage Stabilization Board has approved, or hereafter approves in respect to matters now pending before that Board, such direct labor wage increases plus 17 percent of such approved wage increases representing increases in fringe labor costs such as social security and unemployment and health insur-

ance taxes, vacation and holiday pay, workmen's compensation and public liability insurance premiums.

These services are performed by approximately 250 establishments, the majority of which have annual gross receipts of $30,000 or less. A group of the suppliers of such services presented data during the past few months in support of their requests for increases in their ceiling prices to relieve them from rising costs flowing from certain wage increases, heretofore granted, and other wage increases now pending. Their experience indicates that their direct labor costs for the rendering of these services range from 60 percent to 80 percent of sales price. It appears that these suppliers normally operate on a very small earnings margin and data so far available indicates that in general they do not have the financial capacity to absorb wage increases and continue the effective operation of their businesses. As a consequence, the increases in labor costs necessitate ceiling price increases if these suppliers are to be relieved from undue interference with continued operation. Since this wage increase situation affects similarly many suppliers of the services, an area-wide adjustment is authorized rather than the issuance of numerous individual orders of adjustment under section 20 (a) of Ceiling Price Regulation 34. The standards embodied in section 20 (a) have been taken into account and reasonably adapted to this area-wide group situation.

This supplementary regulation covers only wage increases already approved by or now pending before the Wage Stabilization Board.

This supplementary regulation permits a seller to adjust his ceiling prices as of December 1, 1951, or the effective date of Wage Stabilization Board approval, whichever is later. Discussions with respect to the need for an adjustment were begun by industry representatives long before December 1, 1951. Adjustable pricing pending final action was not authorized under section 21 of Ceiling Price Regulation 34 because it was contemplated that final action would be taken by December 1951. Due to circumstances not then foreseen, this was not possible. In this special situation, it is considered appropriate to allow adjustments as of December 1, 1951 where wage increases announced by the Wage Stabilization Board are effective as of that time.

The data on the basis of which this action is being taken are not sufficiently up-to-date or complete to be conclusive. Accordingly, a further study will be made by the Office of Price Stabilization on the basis of more recent data, and the adjustment authorized by this action will be modified if necessary as the result of such a study.

In the formulation of this supplementary regulation there was consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this supplementary regulation to Ceiling Price Regulation 34 are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Relationship to Ceiling Price Regulation 34.
3. Ceiling prices.
4. Definitions.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Supp. 2154. Interpret or apply Title IV, 64 Stat. 803, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Supp. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This supplementary regulation authorizes ceiling price increases for suppliers of window washing and building janitorial services in the Counties of New York, Kings, Queens, Bronx, Richmond, Westchester, Nassau and Suffolk, in the State of New York, hereinafter sometimes called the "New York area", based upon increases in labor costs occurring after January 25, 1951, as a result of wage increases approved by the Wage Stabilization Board and which were pending before that Board on or before March 12, 1952.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, as amended, except as changed by the provisions of this supplementary regulation, shall remain in effect with respect to suppliers of services covered by this supplementary regulation.

SEC. 3. *Ceiling prices.* If you supply window washing or building janitorial services under contracts (see definition of contracts in section 4) in the Counties of New York, Kings, Queens, Bronx, Richmond, Westchester, Nassau and Suffolk, in the State of New York, you may increase the ceiling prices of the services rendered pursuant to such contracts under the circumstances and to the extent permitted by paragraph (a) of this section.

(a) *Ceiling prices for services under contracts affected by direct labor wage increases paid after January 25, 1951 and either approved by or pending before the Wage Stabilization Board prior to March 12, 1952.* (1) If after January 25, 1951 you increase the wages you pay to your direct labor employees engaged in the performance of window washing or building janitorial services in the New York area by amounts permitted by general order of the Wage Stabilization Board or a specific order of the Wage Stabilization Board issued in respect to a matter pending before that Board on or before March 12, 1952, you may increase the ceiling prices for supplying those services in the New York area under each of your contracts as follows:

(i) For your direct labor employees who have received such direct labor wage increases, and who are paid on a monthly, semi-monthly, bi-weekly, weekly, or daily basis, for work performed each month on and after December 1, 1951 or the effective date of Wage Stabilization Board approval, whichever is later, the average dollar and cent amount for such direct labor wage increase, reasonably allocated to the particular service contract, plus an amount equal to 17 percent thereof; and for your direct labor employees who have received such direct labor wage increases, and who are paid on an hourly basis, for work performed on and after December 1, 1951 or the effective date of Wage Stabilization Board approval, whichever is later, the hourly wage dollar and cent increase plus an amount equal to 17 percent thereof multiplied by the number of hours worked by those direct labor employees each month and reasonably allocated to the particular services contract. Computations of averages and allocation of cost increases to particular services contracts shall conform to OPS Public Form No. 131.

(ii) You must file with the New York OPS District Office under this paragraph (a) within 180 days after March 12, 1952 a completed OPS Public Form No. 131. You may increase the ceiling prices under your contracts as permitted under section 3 (a) (1) (i) as soon as you file OPS Public Form No. 131 in accordance with this paragraph. You may supplement your filing from time to time within the 180 day period.

(b) You may charge and your customers may pay less than the ceiling prices permitted under this regulation.

(c) OPS may at any time disapprove or modify the ceiling prices established under paragraph (a) of this section to conform to the requirements of this supplementary regulation.

SEC. 4. *Definitions.* (a) When used in this supplementary regulation:

(1) "Building janitorial services" shall include cleaning, washing and waxing of floors; vacuum cleaning and shampooing carpets, rugs and hangings in buildings; low and high cleaning of furniture and fixtures; furniture polishing; wall and partition washing; interior and exterior metal polishing; washing blinds, shades and electrical fixtures; cleaning lavatories or rest rooms; and furnishing porters, matrons, elevator operators and similar types of operating personnel in all types of buildings. The term does not include pest control services, such as exterminating, fumigating or disinfecting services; any exterior cleaning other than metal polishing; or the performance of any construction or related services, such as alterations, painting, decorating or redecorating.

(2) "Window washing services" means the washing and cleaning of sash, casement and plate glass windows, glass partitions and glass doors.

(3) "Contracts" mean written contracts or memoranda, data or records evidencing arrangements to supply or that you have supplied to your purchasers for a stated sum window washing or building janitorial services in the New York area.

(4) "Direct labor" means the labor which is used physically to perform the window washing or building janitorial services in the New York area and does not include the performance of services in an executive, supervisory, general administrative or sales capacity. "Direct labor employees" means employees en-

gaged in such direct labor. "Direct labor wage increases" means the wage increases for such direct labor and does not include fringe direct labor costs as defined herein or any other labor costs.

(5) "Fringe direct labor costs" means direct labor costs other than wages and includes Federal social security taxes, Federal and New York State unemployment insurance taxes, New York State health insurance taxes, vacation and holiday pay, workmen's compensation and public liability insurance premiums, and supervisory pay of foremen to the extent they are not direct labor employees.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154.)

Effective date. This Supplementary Regulation 13 to Ceiling Price Regulation 34 shall become effective March 12, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2837; Filed, Mar. 7, 1952; 11:39 a. m.]

[Ceiling Price Regulation 46, Amdt. 2]

CPR 46—COPPER SCRAP AND COPPER ALLOY SCRAP

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Ceiling Price Regulation 46, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 46 places dealer-to-dealer sales of copper scrap and copper alloy scrap, previously exempt from price control, under the provisions of this regulation. It also makes several changes designed to increase the flow of this material.

At the time of the issuance of Ceiling Price Regulation 46, it was felt that including dealer-to-dealer transactions would entail an unnecessary administrative burden. It was also believed that with the dealer's ultimate selling price fixed, permitting the dealers complete flexibility in transactions among themselves would not affect the ultimate cost to the consumer and would aid in the flow of this material. Due to the critical shortage in the supply of copper and copper alloy scrap, inflationary pressure has exerted itself on this uncontrolled phase of the industry. It has come to the attention of the Office of Price Stabilization that copper and copper alloy scrap has been sold at prices equal to or above the ceiling prices at which the dealer must resell this material. Since it is obvious that no dealer will continue to operate his business at a loss, the payment of such high prices has unfortunate results; either the material will subsequently be sold in violation of CPR 46, or it will be retained in inventory in anticipation of a possible increase in ceiling prices. One alternative is as harmful to stabilization and production as the other.

The ceiling prices set forth in the amendment for dealer-to-dealer transactions is the same as those set forth for other persons. In addition, a premium of 1.75 cents per pound is permitted to be paid in dealer-to-dealer transactions. This premium is established to encourage smaller dealers to dispose of their scrap instead of holding it until they have accumulated an amount which would entitle them to a quantity premium. When any such premium is paid, no other quantity or preparation premium may be charged. To obtain his normal resale margin, a dealer can purchase scrap in small quantities and resell this material in larger quantities for which he is entitled to a quantity premium. In the instances where a dealer does not have quite enough scrap to qualify for a quantity premium, he can purchase the amount necessary to qualify for the quantity premium by buying this from another dealer and pay a maximum premium of 1.75 cents per pound.

This amendment also establishes an alternative method of determining the ceiling price for certain grades of scrap, based on a flat price per pound of material rather than on an analysis of the material. It has been found that the requirement of the regulation that material be classified on the basis of analysis is too burdensome in the case of sales of small quantities since the cost of such an analysis might exceed the profit to be derived. Amendment 1 to CPR 46 recognized this fact in establishing a flat price per pound for quantities of less than 5,000 pounds of several grades of scrap. This amendment establishes a flat price per pound for small quantities of several additional grades of scrap, so that now small quantities of all the grades listed in the regulation can be sold on the basis of a flat price per pound. The flat prices set forth have been determined after consultation with industry representatives and are in line with the ceiling prices established on an analysis basis.

Although this regulation specifically lists a great many grades of copper and copper alloy scrap, it has been found that some persons may generate unique alloys of scrap which are not listed. To provide a method for pricing any unusual or special grades of such scrap, this amendment sets forth provisions whereby a seller of an unlisted grade of scrap may apply to the OPS for the establishment of a ceiling price.

This regulation as originally issued exempted sales and deliveries of copper alloy scrap in connection with the conversion of railroad scrap by a foundry. A railroad could trade in its scrap bearings to a buyer who had a foundry who would then allow or pay the railroad any price for its scrap, and then convert the scrap into new railroad bearings which would be resold to the railroad. This exemption permitted bearing sellers owning a foundry to pay a higher price for scrap railroad bearings than bearing sellers who did not own a foundry and placed them in an advantageous competitive position. This amendment exempts sales and deliveries of used railroad bearings made in connection with the purchase of new bearings, thus permitting sellers who do not have a foundry to sell their new bearings at a lower net price and in competition with their competitors.

Prior to this amendment, the regulations did not permit a preparation fee to be paid by a copper refiner or a brass or bronze ingot manufacturer; thus a corporation that only produced brass mill products could pay this preparation premium whereas a corporation that produced refined copper or brass or bronze ingots in addition to producing brass mill products could not purchase prepared scrap for their brass mill operations. This amendment permits a preparation fee to be paid for copper scrap under a National Production Authority authorization when the scrap is not used in the production of refined copper or brass or bronze ingot. The payment of these preparation premiums is to be determined on the basis of the product to be made from the scrap and is not dependent on the industrial classification of the purchaser. Persons producing the same product thus have an equal opportunity to purchase prepared copper and copper alloy scrap for the production of their product.

Several changes have been made by this amendment to correct errors and to clarify certain provisions. A new grade "conductivity bronze", which was inadvertently omitted from the regulation, has been added to Table A and Table C.

The grade designation "Aluminum bronze solids" has been changed to "Aluminum bronze solids and turnings" to correct an error made in the regulation as originally issued. The word "sound" has been deleted from the specifications of condenser tubes, since the value of condenser tubes as scrap does not depend upon their soundness. The word "sound" has been deleted from the specifications of muntz metal condenser tubes and the word "clean" inserted in the specifications since the value of this material as scrap does not depend on the tubes being sound but does require that they be clean. The impurity percentages to which deductions must be applied have been clarified to indicate clearly that no deduction shall be made unless the impurities exceed the percentages set forth in the specifications.

So far as is practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director, the provisions of the regulation comply with all the requirements with respect to the establisment of

ceiling prices set forth in the Defense Production Act of 1950, as amended.

In formulating this amendment the Director consulted with industry representatives, including trade association representatives, to the extent practicable under existing circumstances and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulatoin 46 is amended in the following respects:

1. Section 2 (a) and 2 (b) is amended to read as follows:

SEC. 2. *Transactions covered by this regulation.* (a) This regulation applies to sales and deliveries of copper scrap and copper alloy scrap by any person, including importers and exporters, except as set forth in paragraph (b) of this section.

(b) This regulation does not apply to sales and deliveries of copper scrap and copper alloy scrap in connection with the conversion of railroad scrap, or to sales and deliveries of used railroad bearings made in connection with the purchase of new railroad bearings.

2. Section 9 (a) is amended to read as follows:

(a) For each grade preceded by an asterisk, a deduction of not less than .25 cents per pound for each .10 percent or fraction thereof of the following impurities, singly or combined, in excess of the allowable percentage stated in the specifications: Antimony, alloyed iron, aluminum, silicon and manganese.

3. In Table A, in the column headed "Grade", the grade name "Aluminum bronze solids" is amended to read "Aluminum bronze solids and turnings."

4. In Table A, the following amendments are made in items appearing in the column headed "Price":

a. The following sentence is added to the statement of the price for the grade, "No. 2 copper borings": "In the case of shipments of less than 5,000 pounds, a flat price of 16 cents per pound of material may be charged."

b. The following sentence is added to the statement of the price for the grade, "Lead-covered copper wire and cable": "In the case of shipments of less than 5,000 pounds, a flat price of 11.25 cents per pound of material may be charged."

c. The following sentence is added to the statement of the price for the grade, "Insulated copper wire and cable": "In the case of shipments of less than 5,000 pounds, a flat price of 8.25 cents per pound of material may be charged."

d. The following sentence is added to the statement of the price for the grade, "Refinery Brass": "In case of shipments of less than 2,000 pounds, a flat price of 8.25 cents per pound of material may be charged."

e. The following sentence is added to the statement of the price for the grade, "Soft red brass borings (No. 1 composition borings)": "In the case of shipments of less than 5,000 pounds, a flat price of 15.25 cents per pound of material may be charged."

f. The following sentence is added to the statement of the price for the grade, "Mixed brass borings and solids": "In the case of shipments of less than 2,000 pounds, a flat price of 12.75 cents per pound may be charged."

g. The following sentence is added to the statement of the price for the grade, "Aluminum bronze solids and turnings": "In the case of shipments of less than 5,000 pounds, a flat price of 11.25 cents per pound of material may be charged."

5. Table A is amended by adding the following grade of copper scrap after the grade "Refinery brass" listed in Group I:

Grade	Specifications	Price (cents per pound of scrap unless otherwise indicated)
Conductivity bronze.	Consists of wire and cable having a copper content of not less than 98 percent, balance tin, cadmium and silicon. Must be free of burnt wire, and brazed, soldered, plated and printed material. Includes trolley wire.	19.25

6. In Table A, Group II, in the specification of admiralty condenser tubes, the word "sound" is deleted.

7. In Table A, Group II, in the specification of muntz metal condenser tubes, delete the word "sound" and insert the word "clean" in its place.

8. In section 9, a new paragraph (d), is added immediately after Table A to read as follows:

(d) *Unlisted grades.* (1) The ceiling price for a kind or grade of copper or copper alloy scrap not listed in Table A is the price established by the OPS upon application by the seller. Any such application must be filed with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and must contain the following information: The name and address of the seller; a description of the kind and analysis of the scrap for which a ceiling price is to be established; a proposed ceiling price; and a statement of the reasons why the applicant believes such price to be in line with the ceiling prices for copper and copper alloy scrap otherwise established in this regulation.

(2) Any ceiling price established by OPS pursuant to this paragraph (d) will be in line with the ceiling price for copper and copper alloy scrap otherwise established in this section.

(3) After receipt of an application pursuant to this paragraph (d), OPS may approve or disapprove the proposed ceiling price or request additional information. Pending any such action, the proposed ceiling price may be charged provided that the seller agrees with the buyer to refund the amount, if any, by which the price charged exceeds the ceiling price established by OPS.

(4) If a seller of copper or copper alloy scrap is required to file an application by this paragraph (d) and fails to do so, OPS may issue an order establishing a ceiling price for him. The ceiling price set forth in such order will be in line with the ceiling price for copper and copper alloy scrap otherwise established in this regulation and will apply to all deliveries for which a ceiling price was not otherwise established in this regulation, including deliveries completed prior to the date of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this paragraph (d) or of the various penalties for his failure to do so.

9. A new section 10a is added to read as follows:

SEC. 10a. *Premiums for dealer-to-dealer transactions.* In addition to the ceiling prices set forth in Table A, a maximum premium of 1.75 cents per pound may be charged or paid when a dealer sells any quantity of a kind or grade of copper or copper alloy scrap to another dealer. No quantity or preparation premium may be charged or paid for any such scrap for which a premium is charged in accordance with this section.

10. Section 11 is amended to read as follows:

SEC. 11. *Preparation premiums for sale of prepared scrap not used in the production of refined copper or brass or bronze ingots*—(a) *Ordinary preparation.* In addition to the applicable ceiling base price determined in accordance with sections 8 and 9 of this regulation, a preparation premium may be charged for copper and copper alloy scrap in accordance with the provisions of this paragraph, when the scrap is not to be used in the production of refined copper or brass or bronze ingots.

The premiums set forth in Tables C and D may be charged only for:

(1) Solids in crucible shapes or briquettes; and

(2) Borings which have been demagnetized and do not contain more than 0.25 percent free iron.

TABLE C

The premiums set forth herein apply to deliveries in any quantity:

Grade of scrap:	*Premium (cents per pound)*
No. 1 heavy copper and No. 1 copper wire	3.75
No. 2 copper wire and mixed heavy copper	3.50
No. 1 copper borings	2.50
High grade low lead bronze solids	3.25
High grade low lead bronze borings	2.50
High lead bronze solids	3.25
High lead bronze borings	2.50
Soft red brass solids	3.25
Soft red brass borings	2.50
Unlined standard red car boxes	2.50
Cocks, faucets and fittings	3.00
Heavy yellow brass solids	3.25
Yellow brass borings	2.50
Manganese bronze propellers	3.25
Manganese bronze solids	4.00
Aluminum bronze solids	4.00
Conductivity bronze	3.75

TABLE D

The premiums set forth herein apply only to deliveries of 40,000 pounds of more of one or more of the specific grades.

Grade of scrap:	Premium (cents per pound)
Brass pipe	2.75
Admiralty condenser tubes	2.75
Muntz metal condenser tubes	2.75
Old rolled brass	2.75
Plated rolled brass sheet, pipe, and reflectors	2.75

(b) *Special preparation.* Any consumer of copper scrap or copper alloy scrap who desires to purchase such scrap prepared to his specifications in a form not covered in paragraph (a) of this section and who has authorization from the National Production Authority shall apply to the Office of Price Stabilization, Washington 25, D. C., for the establishment of a preparation premium. No application may be made if the copper or copper alloy scrap is to be used in the production of refined copper or brass or bronze ingots.

Any such application shall set forth the following information: The name and address of the applicant; the nature of the applicant's business; the purpose for which the specially prepared material will be used; the name and address of the person or persons from whom the applicant will buy such material; the date and number of the authorization from the National Production Authority permitting the applicant to purchase copper scrap or copper alloy scrap; a statement of the specifications for the specially prepared material; a description of the manner in which such material will be prepared; if the applicant previously purchased similar material, the price last paid prior to the issuance of this regulation; and a proposed preparation premium.

The premium established by the Office of Price Stabilization shall be in line with the preparation premiums otherwise established in this regulation.

(c) *Export packing and preparation premium.* Any person other than an exporter who packs in bales, drums, or other containers, or prepares in briquettes, copper scrap or copper alloy scrap for export may charge a premium of 2.75 cents per pound in addition to the applicable ceiling base price determined in accordance with sections 8 and 9 of this regulation.

No quantity or preparation premium (except as provided in this paragraph) may be charged for copper scrap or copper alloy scrap sold to an exporter.

Effective date. This amendment to Ceiling Price Regulation 46 shall become effective March 12, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE: All record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2839; Filed, Mar. 7, 1952; 11:39 a. m.]

[Ceiling Price Regulation 92, Amdt. 2]

CPR 92—CEILING PRICES OF LAMB, YEARLING, AND MUTTON PRODUCTS SOLD AT WHOLESALE

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat, as amended (16 F. R. 11620), and Economic Stabilization Agency General Order 5, Revision (16 F. R. 11875), this Amendment 2 to Ceiling Price Regulation 92 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment provides for a number of clarifications and changes in Ceiling Price Regulation 92, Wholesale Lamb, Yearling, and Mutton. Specifically, the following changes are made:

1. A new requirement is added to the record keeping provisions requiring all invoices kept by sellers of the commodities covered by this regulation, to be numbered consecutively. This is designed to simplify the task of auditing these records for purposes of enforcement. It is not intended, of course, to require consecutive numbering of all sales in the order of occurrence. If you did not use a consecutive numbering system of identifying your invoices or equivalent records prior to November 8, 1951, but did use a systematic procedure of accounting for such records, you may continue to use such system.

Another change in the record keeping provisions permits the driver of a truck, on shipments of less than carload quantity, to carry on his person a copy of the record of the sale or transfer involved, in lieu of attaching such copy directly to a portion of the shipment. This will prevent such papers from becoming detached or lost and will simplify the clerical task involved in the case of multiple shipments carried on one truck.

2. A change has been made in that provision of the allocation section which requires production of records for a month in 1950. This amendment provides an opportunity for election of a substitute base month, where a sufficient showing is made that no 1950 records are available, for good cause. Of course, in view of Amendment 1 to CPR-92, the allocation section remains suspended until the beginning of the first accounting period after March 22, 1952.

3. A new section has been added, permitting sales of specialty lamb, yearling, or mutton products where it has been the historical practice of the producer to do so. Ceiling prices for such products (for which a definition has been added in section 50 of this regulation) are determined by the General Ceiling Price Regulation. Both producers and non-processing sellers at wholesale of such products, are required to file a report before making any sales pursuant to the new section. A corresponding change has been made in the section which prohibits the selling of other than the defined cuts, so as to exclude specialty products covered by the new section from this prohibition. The inclusion of a specialty products section was made at the request of the trade, to allow continuance of sales of specialty items already on the market and to permit utilization of existing special facilities for their production. At the same time, the limitations imposed by the section will prevent diversion of meat into these items.

4. A new section has been added, which provides an exemption of experimental cuts prepared for purposes of defense procurement. Producers who wish to engage in the preparation of experimental cuts to meet new defense procurement specifications, will now be able to apply for permission to engage in such experimental work and to sell the resulting product, sale of which would otherwise be prohibited by virtue of the provision respecting miscuts. This new section was added at the request of the Defense Department, to facilitate experimentation intended to improve methods of defense procurement.

5. In response to requests from industry two new primal cuts have been added to the cuts listed in Schedule I. They are shoulder and shank. Appendix 2 has also been amended to define these cuts. This amendment should enable sellers to move their supply of cuts derived from the foresaddle more readily than they have in the past and will help in the merchandizing of these cuts. This recognizes established commercial practice. Moreover, boneless, rolled, and tied shoulder, a fabricated cut, may now be sold to retailers. This change, too, was made at the request of the trade, to facilitate the merchandizing of cuts derived from the present seasonal run of heavy lambs.

6. This amendment also adds sales of fabricated lamb, yearling, or mutton cuts to retailers located in the territories and possessions of the United States, to the categories of sales covered by section 21 (d). Such sales were specifically exempted by CPR 92 from the general policy prohibiting sales of fabricated cuts to retailers, in order to permit freight economies on shipments to the territories and possessions. However, designation of an appropriate schedule under which such sales could be made had been inadvertently omitted.

7. Schedule V, Lamb, yearling, and mutton variety meats, is changed so as to provide the same price for such items obtained from animals freshly killed in Zone 2a, regardless of whether or not they are sold by the kosher trade. This restores the historical practice of pricing such products in this zone.

8. The provisions relating to zone differentials are amended so as to make clear the intent of this regulation that the lowest freight rate should always be used in determining the zone differential to be added to the base prices.

9. Provision has been made in the section on shipping container additions, to make allowance for corrugated boxes and for crates containing more than four pails. This recognizes the established

commercial practice and was done at the request of the trade.

10. Likewise, in response to industry requests the local kill addition in Zone 2a has been spread over the entire carcass, instead of being limited to the fore-quarter. This should enable sellers to move their supply of fore-quarters more readily than they have in the past. As a result of this redistribution, the reflected local kill addition on the fore-quarter has been reduced from $3.00 per cwt. to $2.00 per cwt., while $2.00 per cwt. may now be added for the hind-quarter. The net result is a small increase—in the amount of 50¢ per cwt.—in the fresh kill addition on the entire carcass, which is believed to reflect more closely the average industry expense incident to slaughter in Zone 2a.

11. A new section has been added to Article IV, to provide for the packer branch house addition. The footnote to Schedule I which heretofore performed this function has been eliminated. Moreover, the provisions of the packer branch house addition section have been clarified and corrected, so as to make it clear that this addition may not be taken on meat which was not physically within the branch house cooler prior to the sale. At the same time, the addition is limited to meat obtained by the branch house from slaughter plants located at least 75 miles distant. This limitation, while intended in the original regulation, had been inadvertently omitted. Finally, the section has been reworded to conform with CPR 101, Wholesale Veal.

12. Several clarifying changes have been made in the definitions section. Specifically, the definition of "combination distributor" and the "product" definition have been changed to conform with the other meat regulations; the definition of "packer branch house" has been modified so as to permit qualification of such branch houses which operated as selling establishments for the affiliated packing or slaughtering plant at any time prior to the effective date of CPR 101, Wholesale Veal (in order to provide for uniform dates under both regulations), or in which a substantial investment in plant or equipment was made by the affiliated packer or slaughterer prior to that date. The definition of "you" or "person" has been amended so as to make it clear that this term applies to each separate selling establishment subject to this regulation, rather than to the person of the seller. This should facilitate *bona fide* transfers of existing selling establishments, while effectively insuring exclusion of speculative new enterprises which would tend to diminish the available limited supply of meat. In addition, the definitions of "sausage", "slaughterer", "slaughtering facilities", and "slaughtering plants" have been clarified and corrected.

13. In addition, a number of minor changes have been made such as modifications of the definitions of certain cuts, which were made in order to meet the specific requirements of certain segments of the industry. Finally, this amendment makes certain other minor clerical corrections.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended. In the judgment of the Director of Price Stabilization they also comply with all the applicable standards of the Defense Production Act of 1950, as amended. In formulating this amendment, the Director has consulted with representatives of industry, including trade association representatives, to the extent practicable under the circumstances and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 92 is amended in the following respects:

1. Section 9 (a) (2) is amended to read as follows:

(2) The names and addresses of the buyer or the recipient and the seller or the transferor, and the class of seller and the class of buyer, i. e., retailer (R),[1] purveyor of meals (PM), packer branch house (PBH), wholesaler (W), combination distributor (CD), hotel supply house (HSH), defense procurement agency (DPA), peddler truck seller (P), or ship supplier (SS).

The abbreviations indicated above must be used to designate the class of buyer and seller. If prior to November 8, 1951, you used abbreviations or symbols other than those indicated above, you may continue to use them. You may not, however, change your abbreviations or symbols unless you substitute therefor the symbols indicated above;

2. Section 9 (a) is further amended by adding a new paragraph at the end thereof to read as follows:

All sales invoices or equivalent records required by this section must be numbered consecutively. If, prior to November 8, 1951, you used for each selling establishment or group of selling establishments a systematic procedure of accounting for such records by means other than consecutive numbering, you may continue to use such system. You may not, however, change your system unless you substitute therefor a system of consecutive numbering.

3. Section 9 (b) (3) is amended to read as follows:

(3) Where the shipment made constitutes the entire content of a common carrier freight car or truck, a copy of the statement referred to in section 9 (a) shall be posted in the freight car or truck near or on the door. Where the shipment made constitutes only a part of the content of a common carrier freight car or truck, a copy shall be securely attached in a conspicuous place to one of the items included within the shipment, or in the case of shipment by truck, copies of the statements accompanying each shipment contained in the truck may be given to and carried by the driver who shall be authorized to display such copies to any enforcement officer on request. Where the shipment made is by vehicle other than a common carrier, the copy referred to shall be given to and carried by the driver and he shall be authorized to display it to any enforcement officer on request.

4. Section 11 (b) is amended to read as follows:

(b) *Selling other than defined cuts.* (1) Regardless of any contract, agreement, or other obligation, except for lamb, yearling, or mutton specialty products covered by section 15, you shall not sell or deliver and you shall not buy or receive in the regular course of trade or business any lamb, yearling, or mutton product or any part or portion thereof unless such product is listed in Appendices 2 through 6, inclusive.

(2) This regulation establishes a ceiling price for miscuts. The purpose of the provision establishing a ceiling price for miscuts is not to sanction the sale of such miscuts or to excuse violations of this section 11 (b), but simply to establish a ceiling price for the purpose of measuring damages under the provisions of the Defense Production Act of 1950, as amended. The sale of a miscut violates this section 11 (b) and the sale of a miscut at a price higher than that prescribed by this regulation also violates section 11 (a).

5. Section 12 (a) is amended to read as follows:

(a) If you are a slaughterer, packer branch house, or wholesaler, you must sell or offer to sell during any calendar month or regular monthly accounting period (commencing with the month of December 1951) not less than the same percentage (by weight) of all your lamb, yearling, or mutton products in the form of carcasses, foresaddles, or hindsaddles, which you sold or delivered during a base month in 1950. You may select any calendar month or regular monthly accounting period in 1950 as your base month. Once you have made your election, however, you cannot thereafter change it. If you are unable to obtain the required records for 1950, the Office of Price Stabilization may, for good cause shown, accept as a substitute base month the month or accounting period closest to 1950 for which you are able to produce such records. Paragraph (b) of this section shows you how to figure the percentage referred to in this paragraph.

6. Article I is amended by adding the following new section 15:

SEC. 15. *Ceiling prices for specialty lamb, yearling, and mutton products.* (a) If during 1950 you manufactured or processed, or if you are a distributor of, a specialty lamb, yearling, or mutton product, your ceiling price for that product is established by the General Ceiling Price Regulation. If you are a manufacturer or processor of such a product you must, however, file with the Office of Price Stabilization, Food and Restaurant Division, Washington 25, D. C., on or before April 7, 1952, OPS Public Form 130. If you are a distributor of specialty lamb, yearling, or mutton products which you do not manufacture or process, you must on or before April 7, 1952, file with the Office of Price Stabili-

[1] You need not show the designation (R) on sales to retailers if you are a slaughterer.

zation, Food and Restaurant Division, Washington 25, D. C., a statement showing:

(1) Your name;

(2) Your business address;

(3) The type or types of customers to whom you regularly and customarily sell your product;

(4) Your ceiling price for each specialty lamb, yearling, or mutton product to each type of customer under the General Ceiling Price Regulation;

(5) The cost to you of each specialty lamb, yearling, or mutton product which you sell.

If you fail to file the form or statement required by this section, you may not sell specialty lamb, yearling, or mutton products without permission in writing from the Director of Price Stabilization. After receipt of this form or statement, the Director of Price Stabilization may issue an order forbidding the manufacturer, processor and distributors thereof to sell this specialty lamb, yearling, or mutton product or may issue an order revising the ceiling prices of the manufacturer, processor and distributors of these products.

7. Article I is amended by adding the following new section 16:

SEC. 16. *Exemption of experimental cuts for defense procurement.* (a) If you desire to prepare and sell experimental cuts for defense procurement which differ from the cuts defined in Appendices 2 through 6 of this regulation, you may apply for written authorization, by filing a signed application with the Office of Price Stabilization, Food and Restaurant Division, Washington 25, D. C. This application must contain the following:

(1) The name and address of your selling establishment;

(2) A description of the experimental cuts, the approximate volume (by weight) of each experimental cut which you propose to produce, and the length of time to which the experimental work involved in the production of each such cut is to be limited;

(3) A statement that the data and other results obtained from the experimental work and the production of such cuts will be made available to the Office of Price Stabilization upon request;

(4) A certification by the Secretary of Defense or his authorized agent stating that the proposed experimental work is believed necessary and appropriate to improve present methods of procurement for the Department of Defense and that the plant or establishment to be authorized to engage in such experimental work is physically capable of conducting such work in an efficient manner.

(b) Upon receipt of this application, the Director of Price Stabilization may grant written authorization permitting you to engage in experimental work, on such experimental cuts as he may designate, in such amounts and for such periods of time as he may determine, subject to such reporting and record keeping requirements as may be appropriate, and to sell such experimental cuts pursuant to defense procurement contracts. The Director of Price Stabilization may at any time disapprove or modify the prices established by such contracts.

8. Section 20, Schedule I, is amended by adding the following new cuts:

LAMB

	Prime and Choice	Good	Utility	Cull
Shoulder	53.50	51.20	45.00	------
Shank	30.00	30.00	25.00	------

YEARLINGS

Shoulder	48.10	41.80	30.70	------
Shank	25.00	25.00	20.00	------

MUTTON

	Choice	Good	Utility	Cull
Shoulder	24.40	22.10	16.90	------
Shank	20.00	20.00	16.00	------

9. Section 20, Schedule I, Special Adjustments, Item 4, is amended to read as follows:

(4) If you are a hotel supply house you may add $1.50 per cwt. to the prices listed above, except on sales to purveyors of meals, for which you may add $6.00 per cwt. to the prices listed above. If you are a ship supplier you may add to the prices listed above $6.00 per cwt. on sales to ship operators.

10. Section 20, Schedule I, Special Adjustments, Item 6, is deleted in its entirety. In lieu thereof, refer to section 49 of this regulation.

11. Section 21 (a) is amended by deleting the last sentence prior to Schedule II (a), so that it now reads as follows:

(a) *Sales of fabricated lamb, yearling, and mutton cuts by a hotel supply house or ship supplier to purveyors of meals.* This paragraph applies to hotel supply houses and ship suppliers who sell fabricated lamb, yearling, or mutton cuts to purveyors of meals. If this section applies to you, you must not exceed the ceiling prices listed in Schedule II (a) of this section.

12. Section 21 (b) is amended by deleting the last sentence prior to Schedule II (b), so that it now reads as follows:

(b) *Sales of fabricated lamb, yearling, and mutton cuts by a combination distributor or peddler truck seller to purveyors of meals.* This paragraph applies to combination distributors and peddler truck sellers who sell fabricated lamb, yearling, or mutton cuts to purveyors of meals. If this section applies to you, you must not exceed the ceiling prices listed in Schedule II (b) of this section.

13. The heading of section 21 (d) is amended to read as follows:

(d) *Sales of fabricated lamb, yearling, or mutton cuts by packing or slaughtering plants, packer branch houses, hotel supply houses, combination distributors, or wholesalers to ship suppliers, hotel supply houses, combination distributors, peddler truck sellers, or to retailers located in the territories and possessions of the United States.*

14. Section 21 (d) is further amended by adding a footnote (1) to the item "Shoulders, boned, rolled, and tied" in Schedule II (d), to read as follows:

[1] You may sell this cut to retailers, notwithstanding any contrary provisions contained elsewhere in this regulation.

15. Section 24, *Lamb and mutton variety meats,* is amended by changing the heading of column (3) of Schedule V from "Kosher in Zone 2a" to "Freshly Killed in Zone 2a", and by adding the following immediately after Schedule V:

Special Adjustments Under Schedule V

1. On sales of lamb and mutton variety meats obtained from animals freshly killed in Zone 2a, by hotel supply houses, combination distributors, ship suppliers, and peddler truck sellers, you may add $5.00 per cwt. to the prices in column (3) above.

16. Section 40 is amended by substituting a colon for the period at the end of the first paragraph thereof and by adding the word "lowest" ahead of the words "fresh meat railroad carload freight rate" wherever they appear, so that section 40 reads as follows:

SEC. 40. *Addition 1—Zone differentials.* This section establishes differentials for various geographical zones as defined in Appendix I of this regulation. The following differentials apply:

(a) *Zone 1.* The amount to be added as a zone differential where the distribution point is located in Zone 1 is determined by multiplying by 75 percent (100 percent for fabricated cuts) the lowest fresh meat railroad carload freight rate from Denver, Colorado, to the distribution point, adjusted to the nearest 10¢ per cwt.

(b) *Zone 2, Zone 2a, Zone 2b.* The amount to be added as a zone differential where the distribution point is located in Zone 2, Zone 2a, or Zone 2b is determined by multiplying by 115 percent (125 percent for fabricated cuts) the lowest fresh meat railroad carload freight rate from Denver, Colorado to the distribution point, adjusted to the nearest 10¢ per cwt.

17. Section 44 is amended by adding the word "Per" ahead of the word "Hundred-weight" at the head of the schedule of wrapping additions so that Section 44 reads as follows:

SEC. 44. *Addition 5—Wrapping.* If any lamb or mutton carcass or wholesale cut is completely wrapped by one of the methods listed in this section, you may add to the price specified in Schedule I an amount equal to the actual cost to you of such wrapping but not more than the maximum amount specified below opposite the method of wrapping:

Wrapping:	*Per hundred-weight*
1. One Stockinette or one Krinkle Kraft paper	$0.20
2. Banana bag (or peach paper) and Stockinette	.30
3. Waxed Krinkle Kraft paper and Stockinette	.35

18. Section 45 is amended by adding the words "Per Hundred-weight" at the head of the list of shipping container additions, by changing the last three items on the list of shipping container

additions, and by changing the last sentence so that section 45 now reads as follows:

SEC. 45. *Addition 6—Packing in shipping containers.* For packing lamb, yearling, or mutton products in the following containers you may add to the prices specified in Schedules I, III, and V the amount specified below opposite the type of container used:

	Per hundred weight
5/15-pound wood, metal, or solid fibre containers, or pails	$1.80
16/35-pound wood, metal, or solid fibre containers	1.50
36/65-pound wood, wire-bound crates or solid fibre boxes	1.00
66-pound/up, wood, wire-bound crates, or solid fibre boxes	.80
Barrels or corrugated boxes	.70
Crate (containing four or more 5-pound pails)	.60
Crate (containing four or more 10-pound pails)	.50

No more than one container addition may be made for any sale of any one product, except in the case of crates, the allowance for which may be taken in addition to the allowance for pails.

19. Section 48 is amended to read as follows:

SEC. 48. *Addition 9—Lamb, yearling, and mutton products from lambs, yearlings, and sheep slaughtered in Zone 2a.* For any grade of lamb, yearling, or mutton carcass or any cuts derived from such carcass, obtained from lambs, yearlings, or sheep slaughtered in Zone 2a, you may add $2.00 per cwt.

20. Article IV is amended by adding a new section 49 to read as follows:

SEC. 49. *Addition 10—Packer branch house addition.* If you are a packer branch house, as defined in section 50 of this regulation, you may add $0.60 per cwt. to the prices listed in Schedule I on sales to retailers or purveyors of meals only. You may not take this addition, if the lamb, yearling, or mutton sold:

(a) was obtained from a slaughtering plant located within less than 75 miles from the branch house; and

(b) was not physically within the branch house cooler prior to the sale.

21. Section 50 is amended by changing the definition of "combination distributor" to read as follows:

"Combination distributor" means any establishment: (1) which is not affiliated with a packing or slaughtering plant, packer branch house, wholesaler, or other non-retail meat selling establishment; and which does not sell to ultimate consumers more than 50 percent of the total volume of weight of all meats, including sausage, variety meats, and edible by-products, sold or delivered by it; and which sold or delivered to purveyors of meals during 1950 not less than 25 percent of the total volume by weight of all meats, including sausage, variety meats, and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies; or

(2) which is affiliated with a packing or slaughtering plant, packer branch house, wholesaler, or other non-retail meat selling establishment to which it is not physically attached; and which does not sell to ultimate consumers more than 50 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it; and which sold or delivered to purveyors of meals during 1950 not less than 25 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

22. Section 50 is further amended by adding a new sentence after the definition of "lamb, yearling, or mutton product", so that the definition, as amended, now reads as follows:

"Lamb, yearling, or mutton product" means meat graded as lamb, yearling mutton, or mutton under the provisions of Distribution Regulation 2 and in accordance with the "Official U. S. Standard for Grades of Lamb, Yearling Mutton, and Mutton Carcasses" of the United States Department of Agriculture, or any product produced in whole or in substantial part from lamb, yearling mutton, or mutton (or any combination of these), except sausage and canned meats. "Lamb, yearling, or mutton product" includes, but is not limited to, the products listed in Appendices 2 through 6 of this regulation.

23. Section 50 is further amended by changing the definition of "packer branch house" to read as follows:

"Packer branch house" means a selling establishment:

(1) Which is affiliated with a packing or slaughtering plant to which it is not physically attached; and

(2) Which operated as a selling establishment for the affiliated packing or slaughtering plant at any time prior to December 4, 1951, or in which a substantial investment in plant or equipment was made by the affiliated packer or slaughterer prior to December 4, 1951; and

(3) Which has not elected any other seller's addition under the provisions of section 6 of this regulation.

24. Section 50 is further amended by changing the definition of "sausage" to read as follows:

"Sausage" means chopped, ground, or comminuted meat seasoned with spices or condiments, to which salt, sodium nitrate, sodium nitrite, or extender may be added, and which has been smoked, cooked, dried, barbecued, or cured.

25. Section 50 is amended by changing the definition of "Slaughterer" to read as follows:

"Slaughterer" means a person who owns or is affiliated with a slaughtering plant or slaughtering facilities engaged in the slaughter of lambs, yearlings, or sheep or who has lambs, yearlings, or sheep slaughtered for him by another person.

26. Section 50 is further amended by changing the definition of "Slaughtering facilities" to read as follows:

"Slaughtering facilities" means any equipment designed or used for the commercial killing of lambs, yearlings, or sheep.

27. Section 50 is further amended by changing the definition of "Slaughtering plant" to read as follows:

"Slaughtering plant" means any place equipped or used for the commercial killing of lambs, yearlings, or sheep.

28. Section 50 is further amended by adding a definition of the term "Specialty lamb, yearling, or mutton product" to read as follows:

"Specialty lamb, yearling, or mutton product" means a lamb, yearling, or mutton product which:

(a) Differs substantially from any lamb, yearling, or mutton product for which a ceiling price is provided in Article II of this regulation; and

(b) Was sold in 1950 as a specialty product at a substantially higher price per pound than the most similar lamb, yearling, or mutton product for which a ceiling price is provided in Article II of this regulation; and

(c) Is contained in a distinctive wrapping or package bearing the name of the product, the weight of the cut, a list of the ingredients, the grade of the lamb, yearling, or mutton used, and the name of the processor; and

(d) Requires a substantial investment in special equipment used to process and wrap or package the product.

29. Section 50 is further amended by changing the definition of "you" or "person" to read as follows:

"You" or "person" indicates the person subject to this regulation, including any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of these and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing, but no punishment provided by this regulation shall apply to the United States or to any such government, political subdivision or agency. For the purpose of this regulation, each separate plant or selling establishment shall be treated as a separate person.

30. Appendix 2 (a) (12) is amended by substituting the following new definition for "Breast":

"Breast" means the portion of the foresaddle remaining after the severance of the Hotel Rack as defined in Appendix 2 (a) (7) and the chuck as defined in Appendix 2 (a) (10), or that portion remaining after the severance of the Hotel Rack, the shoulder as defined in Appendix 2 (a) (11), and the shank as defined in Appendix 2 (a) (14).

31. Appendix 2 is further amended by adding the following new definition of "Shank" to be designated Appendix 2 (a) (14) and to read as follows:

"Shank" means that portion of the foresaddle obtained by separating the shank from the breast by a cut following the natural seam and leaving the entire lip or web muscle attached to the breast. The cut shall be made through the arm bone leaving the elbow joint and part of the arm bone on the shank. This cut shall be parallel to the

back bone and passing through a point at the forward end of the sternum or breast bone.

32. Appendix 3 (a) (11) and Appendix 3 (a) (12) are amended by changing the term "5-rib shoulder" to "4-rib shoulder" wherever it appears so that Appendices 3 (a) (11) and (12) read as follows:

11. "Shoulder, boned, rolled, and tied" means the 4-rib shoulder cut as described in Appendix 2 (a) (11) with all bones removed, rolled into a cylindrical shape and tied with at least four loops.

12. "Shoulder, regular stew, bone in" means small cubes of meat derived from the 4-rib shoulder, none of which is larger than two cubic inches in size.

33. The introductory paragraph of Appendix 4 (a) is amended to read as follows:

(a) "Boneless processing lamb and mutton" means the meat derived from lamb, yearling, or mutton carcasses (for the purpose of this definition yearling mutton is included in the term mutton) and is limited to the following:

34. Appendix 4 (a) (2) is amended to read as follows:

"Lean boneless mutton" means the boneless mutton meat derived from the boning of all or any part of the carcass. The pluck, all cords, sinews, neck straps, kidneys, and melts shall be removed. The trimmable fat shall not exceed 8 percent of the total weight of the meat.

35. Appendix 6 (a) is amended by substituting the following new definition for "Cheek meat":

"Cheek meat" means all the meat from the head obtained in accordance with the specifications of the Bureau of Animal Industry, USDA, or with good commercial practice.

36. Appendix 6 (a) is further amended by substituting the following new definition for "Tongues":

"Tongues" means tongues trimmed so as to leave the epiglottis on the tongue. The hinge bones are to be cut flush from the butt end of the tongue. Fat is to be trimmed from the base of the tongue.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective March 7, 1952.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2840; Filed, Mar. 7, 1952; 11:39 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-9 as amended March 7, 1952]

M-9 ZINC

This order as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this order as amended there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

This amended order affects NPA Order M-9 as follows:

The definitions of "producer" and of "slab zinc" have been changed, and four new definitions formerly contained in NPA Orders M-15 and M-37 added. Five sections formerly contained in NPA Orders M-15 and M-37 have been added as sections 9, 10, 11, 12, and 13. Provision has been made for quarterly allocations, the title of the order has been changed, and there have been minor editorial changes. As so amended this order incorporates the provisions of NPA Orders M-15 and M-37, which are being revoked simultaneously herewith.

Sec.
1. What this order does.
2. Application of this order.
3. Definitions.
4. Allocation of slab zinc.
5. Exemptions.
6. Delivery of slab zinc.
7. Specific directives.
8. Assistance in placing orders.
9. Use of slab zinc.
10. Exemptions from use limitations.
11. Restrictions on toll agreements.
12. Production of zinc dust.
13. Inventories.
14. Records and reports.
15. Request for adjustment or exception.
16. Communications.
17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* The purpose of this order is to provide for the distribution of the supply of slab zinc so as best to serve the interest of national defense and essential civilian production. It brings slab zinc under allocation by prohibiting, subject to limited exceptions, any deliveries not covered by allocation authorizations to be issued by NPA and places limits on the use of slab zinc in manufacture, processing, construction, or for operating supplies. Provision is thus made whereby the supply remaining after defense requirements are met may be equitably distributed through normal channels for essential civilian uses and with due regard for the needs of new and small business. It also explains the conditions under which reports are required from producers, importers, and consumers of and dealers in slab zinc; regulates the acceptance, delivery, and distribution (whether on purchase, toll agreement, or otherwise) of zinc scrap; and prohibits undue accumulations of slab zinc and zinc scrap.

SEC. 2. *Application of this order.* This order applies to all persons who produce, consume, trade in, import, or hold in inventory, slab zinc as defined in section 3 (d) of this order, or who use such slab zinc in manufacture, processing, construction, or for operating supplies, or who generate, deal in, or convert zinc scrap. The provisions of this order supersede other NPA regulations and orders to the extent that they are inconsistent with this order, but in all other respects such regulations and orders remain applicable to slab zinc and zinc scrap. In particular, NPA Reg. 2 continues to apply to slab zinc, but deliveries on DO rated orders may be made only in accordance with allocation authorizations issued by NPA, except as otherwise provided in this order. NPA may from time to time issue special directives as to deliveries of slab zinc and zinc scrap, and unless otherwise provided therein, such directives will prevail over the other provisions of this order.

SEC. 3. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "Producer" means any person who produces slab zinc and any person who has slab zinc produced for him under toll agreement.

(c) "Dealer" means any person who receives physical deliveries of slab zinc and sells or holds such slab zinc for resale without change in form. A person who produces any slab zinc or who has slab zinc produced for him under toll agreement is a producer as to such zinc and not a dealer.

(d) "Slab zinc" means any grade of zinc metal which has been produced by electrolytic, electrothermic, or fire-refining process, including zinc produced from scrap, dross, or other secondary material; cast in pigs, slabs, bars, anodes, or other shapes.

(e) "Zinc scrap" means all materials or products the principal content of which, by weight, is zinc, and which are the waste or byproduct of industrial fabrication or processes, or have been discarded on account of obsolescence, failure, or other reason, including but not limited to clippings, engravers' plates, skimmings, ashes, galvanizers' dross, castings, die-cast scrap, and die castings.

(f) "Scrap dealer" means any person regularly engaged in the business of buying and selling zinc scrap.

(g) "Manufacture" means to put into process, machine, incorporate into products, assemble, fabricate, or otherwise alter slab zinc by physical or chemical means.

(h) "Base period" means the 6-month period ending June 30, 1950.

(i) "NPA" means the National Production Authority.

SEC. 4. *Allocation of slab zinc.* (a) Commencing on August 1, 1951, and subject to the exemptions stated in section 5 of this order, no person shall accept delivery of slab zinc for any purpose in any month or in any calendar quarter except in accordance with the terms of

an allocation authorization issued to him for such month or such calendar quarter by NPA on Form NPAF–110. An allocation authorization will authorize the holder to accept delivery of slab zinc in a specified quantity and grade if shipped not later than the last day of the month or the calendar quarter for which the authorization is issued. Any order placed pursuant to an allocation authorization shall specify the serial number of the applicable authorization. This section shall apply with like effect to the acceptance of deliveries of slab zinc by any branch, division, or department of any business enterprise from any producing branch, division, or department of the same business enterprise.

(b) An application for an allocation authorization must be filed by the proposed purchaser on Form NPAF–110 not later than the fifteenth day of the month preceding the month or quarter in which delivery is sought. Applications on Form NPAF–110 shall be submitted to NPA unless the zinc requested is to be exported, in which case Form NPAF–110 should be submitted to the Office of International Trade together with the application for export license. All such applications must contain all information required by the form.

SEC. 5. *Exemptions.* The provisions of section 4 of this order shall not apply to any:

(a) Acceptance of slab zinc by the General Services Administration or the Defense Materials Procurement Administration for the stockpile of strategic materials;

(b) Acceptance of slab zinc directly from a foreign source for the sole purpose of resale without change in form; or

(c) Acceptance of slab zinc by any person (1) whose total receipts during the month in which acceptance occurs are, or by such acceptance would become, not in excess of 10 short tons, (2) who has not applied to NPA for allocation authorization for such month, or for the calendar quarter of which such month is a part, and (3) who furnishes to the supplier a certification signed as provided in section 8 of NPA Reg. 2 in substantially the following form:

Certified under the small-lot exemption provisions of NPA Order M–9.

Such certification constitutes a representation to the supplier and to NPA that the purchaser is authorized to accept delivery of the slab zinc pursuant to this paragraph, and that such slab zinc will be used in accordance with the provisions of section 9 of this order.

SEC. 6. *Delivery of slab zinc.* No person shall deliver slab zinc to any person if he knows or has reason to believe that the person requesting delivery is not permitted to receive it under this order or that it will be used in violation of this order or any other applicable regulation or order of NPA.

SEC. 7. *Specific directives.* NPA may issue directives as to the source, destination, specific grades, and quantities of slab zinc or zinc scrap to be delivered or acquired. NPA may also direct any producer to set aside a specific portion of his production of slab zinc for distribution according to directives issued by NPA.

SEC. 8. *Assistance in placing orders.* Any person who has received an allocation authorization for slab zinc and who, after exploring all domestic commercial sources, is unable to place an order for the material covered by the authorization, should apply to NPA, Ref: M–9, specifying the persons who refused to accept his order. NPA will arrrange to assist him in locating sources of supply.

SEC. 9. *Use of slab zinc.* Subject to the exemptions stated in section 10 of this order, or unless specifically directed by NPA, no person shall use in manufacture, processing, construction, or for operating supplies during the calendar quarter commencing January 1, 1952, and each calendar quarter thereafter, a total quantity by weight of Special High Grade Slab Zinc (slab zinc that is 99.99 percent pure or better) in excess of 70 percent of his average quarterly use of Special High Grade Slab Zinc during the base period, and a total quantity by weight of all other slab zinc in excess of 80 percent of his average quarterly use of such other slab zinc during the base period: *Provided, however,* That his use of either type of slab zinc in any 1 month shall not exceed 40 percent of the permitted quarterly use.

SEC. 10. *Exemptions from use limitations.* (a) The use of slab zinc to fill an order that is rated under the priority system established by NPA Reg. 2, or to meet any mandatory order of NPA, is permitted in addition to the use of slab zinc authorized by the provisions of section 9 of this order.

(b) Slab zinc acquired by a rated order or to meet a scheduled program of NPA may be used in addition to the quantity permitted by the provisions of section 9.

(c) The provisions of section 9 do not apply to persons who use less than 3,000 pounds of slab zinc during any calendar quarter.

(d) The provisions of section 9 do not apply to the use of slab zinc:

(1) To comply with safety regulations issued under governmental authority which require the use of zinc;

(2) In research laboratories where and to the extent that the physical or chemical material requirements make the use of any other material impracticable; or

(3) In electroplating where it replaces cadmium.

SEC. 11. *Restrictions on toll agreements.* (a) Except with the written approval of NPA, no person shall deliver or accept delivery of zinc scrap for converting, remelting, or other processing under any existing or future toll agreement or other arrangement by which title to the scrap remains vested in any person other than the processor, or pursuant to which unalloyed or alloyed zinc in any quantities, equivalent or otherwise, is to be returned to the person delivering or owning the scrap. Application for such approval may be made by the person delivering or owning the zinc scrap, or the person for whose benefit the conversion, remelting, or other processing will be effected. The provisions of this paragraph apply with equal effect to any agency or other relationship which results in an arrangement similar to that above described.

(b) No person shall sell or deliver any slab zinc to any person subject to either an express or implied condition of sale that the zinc scrap remaining after the use of the delivered zinc will be resold or returned to the person originally supplying such zinc.

(c) Persons requesting approval of toll agreements shall file with NPA a letter in triplicate setting forth: The names and addresses of the parties to any existing or proposed toll or conversion agreement; the kind, grade, and form of the scrap involved; the tonnage of the scrap and the estimated tonnage of the zinc products resulting; the estimated rate and dates of delivery of such zinc products; the length of time such agreement or other similar agreement between the same parties has been in force; the duration of the agreement; the purpose for which such zinc products are to be used; and such other information as may seem pertinent and necessary.

SEC. 12. *Production of zinc dust.* Commencing on March 7, 1952, unless specifically authorized in writing by NPA, no person shall use any galvanizers' dross for any purpose other than the production of zinc dust.

SEC. 13. *Inventories.* (a) In addition to the provisions of NPA Reg. 1, relating to inventory control, it is considered that a more exact requirement applying to users of zinc is necessary. No person obtaining slab zinc for use in manufacture, processing, or construction, or for operating supplies, may receive or accept delivery of a quantity of slab zinc if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 30-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less. NPA Reg. 1 will apply to zinc except as modified by this section.

(b) No scrap dealer shall accept delivery of any form of zinc scrap if his total inventory of such scrap (including inventory not physically located in the dealer's yard or plant) is, or by such receipt would become, in excess of his total deliveries of such scrap by weight during the first 6 months of 1950, divided by three.

SEC. 14. *Records and reports.* (a) Any producer of slab zinc who by the tenth day of any month has not received orders for the entire quantity of slab zinc scheduled for production by him in that month shall promptly report to NPA by telephone or telegram the quantity and grade of slab zinc available in that month, for which he has not received orders.

(b) Any person who uses, ships, or receives five short tons or more of slab zinc in any calendar month, or who has five short tons or more of slab zinc in his possession or under his control on

any day of any month shall fill out and return Bureau of Mines Form 6-1151-M, in the number of copies specified on the form, to the address specified on the form, on or before the fifteenth day of July 1951 with respect of such use, shipment, receipt, or possession during the month of June, and on or before the fifteenth day of each succeeding month with respect to such use, shipment, receipt, or possession during the next succeeding month.

(c) Commencing on July 20, 1951, any person who imports slab zinc for the sole purpose of resale without change in form shall advise NPA by letter in duplicate not less than 10 days before its expected arrival in the continental United States, of the quantity, grade, and country of origin of such slab zinc.

(d) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit and for filling out the reports required in paragraphs (a), (b), and (c) of this section. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(e) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(f) Persons subject to this order shall make such records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 15. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing by letter in triplicate, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 16. *Communications.* Except as otherwise specified, all communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M-9.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect March 7, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-2834; Filed, Mar. 7, 1952; 11:36 a. m.]

[NPA Order M-15, Revocation]

M-15—USE OF ZINC

NPA Order M-15 is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-15, as originally issued, or as amended from time to time, nor deprive any person of any rights received or accrued under said order, as originally issued, or as amended from time to time, prior to the effective date of this revocation.

The use of zinc is now subject to NPA Order M-9.

This revocation is effective March 7, 1952.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-2833; Filed, Mar. 7, 1952; 11:36 a. m.]

[NPA Order M-37, Revocation]

M-37—ZINC SCRAP—TOLL AGREEMENTS

NPA Order M-37 is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-37, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

Zinc scrap and zinc scrap toll agreements are now subject to NPA Order M-9.

This revocation is effective March 7, 1952.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-2835; Filed, Mar. 7, 1952; 11:36 a. m.]

[NPA Order M-101 of March 7, 1952]

M-101—CERTAIN USED AND IMPORTED METALWORKING MACHINES: REPORTING OF INVENTORY

This order is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by the Defense Production Act of 1950, as amended. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Inventory reports.
4. Seven-day freeze provision.
5. Request for adjustment or exception.
6. Records and reports.
7. Communications.
8. Violations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405; E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* The purpose of this order is to obtain information as to the types of used and imported metalworking machines available for immediate use. This order provides for the filing of reports of inventories when specifically directed by NPA by dealers in imported metalworking machines, dealers in used metalworking machines, and rebuilders of used metalworking machines, so that NPA may have current information of the availability of such metalworking machines. The mechanism set up provides that a form be filled out for each item in the possession or control of a dealer or rebuilder. Thereafter information as to acquisitions shall be similarly filed with NPA. Copies of each form are to be kept by the dealer or rebuilder and, as an item is disposed of, the duplicate copy shall be filled in showing disposition of such item and forwarded to NPA. Thus, NPA will be enabled to have a running inventory of available imported and used metalworking machines. The order also permits NPA to require a dealer or rebuilder to withhold a metalworking machine from sale for a period of 7 days for the purpose of permitting a prospective purchaser, whose need for the metalworking machine is vital, to inspect such machine.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "Metalworking machine" means any item of plant equipment which is listed in Exhibit A appearing at the end of this order and which has a sales price of $2,000 or more, and which is less than 25 years old.

(c) "Imported metalworking machine" means any new metalworking machine imported into the United States from a foreign country.

(d) "Used metalworking machine" means any metalworking machine which has been previously used, and includes rebuilt metalworking machines.

(e) "Dealer" means any person engaged in the business of buying and selling imported metalworking machines or used metalworking machines.

(f) "Rebuilder" means any person engaged in rebuilding metalworking machines for resale.

(g) "NPA" means the National Production Authority.

SEC. 3. *Inventory reports.* NPA may at any time specifically direct in writing a dealer or rebuilder to file with NPA a report of his entire inventory of used and imported metalworking machines in his possession or control as of the date of the making of such report. Such dealer or rebuilder shall comply with such direction within 15 days after the receipt thereof. Such report shall be compiled by filing Form NPAF–175 for each metalworking machine in the possession or control of such dealer or rebuilder. Whenever a dealer or rebuilder who has been directed by NPA to file a report acquires an additional metalworking machine, he shall file with NPA a report on such form within 3 days after the acquisition of such metalworking machine. Every dealer and every rebuilder who has been directed by NPA to file a report shall make a duplicate copy of such Form NPAF–175 to be kept by such dealer or rebuilder in his possession. Whenever any dealer or rebuilder who has been directed by NPA to file a report disposes of any used or imported metalworking machine by sale, lease, or other transfer, he shall fill in the information called for as to such disposition on the duplicate copy of said Form NPAF–175 retained by him and file with NPA such duplicate copy within 3 days after the date of disposition of such metalworking machine.

SEC. 4. *Seven-day freeze provision.* NPA may at any time specifically direct any dealer or rebuilder to withhold from sale a particular used or imported metalworking machine for a period of 7 days in order to permit a specific purchaser or purchasers to inspect such machine.

SEC. 5. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 6. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of NPA, at the usual place of business where maintained.

(c) The reports provided for in section 3 of this order shall be submitted to the National Production Authority, Washington 25, D. C., marked for the attention of the Metalworking Equipment Division.

(d) Persons subject to this order shall make such records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 7. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–101.

SEC. 8. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect March 7, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

EXHIBIT A OF NPA ORDER M–101

Boring mills.
Precision boring machines.
Jig borers.
Broaching machines.
Radial drilling machines.
Horizontal and vertical drilling machines.
Gear-hobbing machines.
Bevel-gear-cutting machines.
Gear-grinding machines.
Universal grinding machines.
External cylindrical grinding machines.
Internal grinding machines.
Surface-grinding machines over 28 inches.
Thread-grinding machines.
Tool- and cutter-grinding machines.
Heavy duty engine lathes, 16 inches and up, gear head type only.
Turret lathes.
Lathes, boring and turning, axle, crankshaft, shell, cartridge case trimming, spinning, and relieving.
Automatic chucking and between-center lathes.
Automatic screw machines, bar type.
Milling machines.
Profiling, duplicating, and die-sinking machines.
Thread-milling machines.
Planers.
Shapers.
Honing and lapping machines.
Bending brakes.
Rotary bending and forming machines.
Plate shears.
Bar and angle shears.
Hammers, steam or air.
Hammers, mechanical.
Forging machines.
Balancing machines.
Inspection, testing, and measuring machines.
Gear-tooth-finishing machines.

[F. R. Doc. 52–2836; Filed, Mar. 7, 1952; 11:36 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 809]

NEVADA

REVOKING IN PART PUBLIC LAND ORDER NO. 6 OF JUNE 26, 1942

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 6 of June 26, 1942, as amended by Executive Order No. 9526 of February 28, 1945, is hereby revoked so far as it affects the following-described public lands:

MOUNT DIABLO MERIDIAN

T. 21 N., R. 18 E.,
Sec. 24, N½ and SW¼;
Sec. 36, N½ and NE¼SE¼.
T. 20 N., R. 19 E.,
Sec. 4, S½SW¼, except the south 200 feet thereof.
T. 21 N., R. 19 E.,
Sec. 8, NW¼NE¼ and E½E½;
Sec. 10;
Sec. 11, SW¼NE¼, W½NW¼, NE¼SW¼, and W½SE¼;

Sec. 14, N½;
Sec. 16, N½ and SE¼;
Sec. 22, SW¼;
Sec. 26, E½NE¼ and NE¼SE¼;
Sec. 28, NE¼, N½SE¼, and SE¼SE¼.

The areas described aggregate approximately 3347.88 acres.

The lands are sub-marginal for agricultural development. They contain no water or timber, and are chiefly valuable for grazing. The lands will not be subject to occupancy or disposition until they have been classified. It is unlikely that they will be classified as suitable for homestead, desert land, or for small tract use.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Reno, Nevada.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 4, 1952.

[F. R. Doc. 52-2693; Filed, Mar. 7, 1952; 8:45 a. m.]

[Public Land Order 810]

NEW MEXICO

REVOCATION OF EXECUTIVE ORDERS NO. 5909 OF AUGUST 22, 1932, AND NO. 7723 OF OCTOBER 8, 1937, WITHDRAWING PUBLIC LANDS FOR CLASSIFICATION

By virtue of the authority vested in the President by the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Orders Nos. 5909 of August 22, 1932, and 7723 of October 8, 1937, temporarily withdrawing public lands for classification as to their suitability for wildlife refuge purposes are hereby revoked. Executive Order No. 5909 was superseded by Executive Order No. 7724 which established the Bitter Lake Migratory Waterfowl Refuge, as to all lands except the NE¼ sec. 8, T. 10 S., R. 25 E., N. M. P. M., New Mexico, which is patented.

The public lands released from withdrawal by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 9 S., R. 25 E.,
Sec. 11, E½NE¼, NE¼SE¼, and S½SE¼;
Sec. 14, E½NE¼, S½NW¼, N½SW¼, and E½SE¼;
Sec. 15, E½NE¼, SW¼, and N½SE¼;
Sec. 21, E½SE¼;
Sec. 22, SW¼NE¼, W½, and NW¼SE¼;
Sec. 23, NE¼, S½NW¼, and SW¼;
Sec. 26, N½NW¼;
Sec. 27, N½NW¼;
Sec. 28, N½NE¼.

The areas described aggregate 1,960 acres.

The lands are primarily suitable for grazing purposes. They will not be subject to occupancy or disposition until they have been classified. It is unlikely that the lands will be classified as suitable for homestead, desert land, or small tract use.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly

the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Bureau of Land Management, Santa Fe, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Santa Fe, New Mexico.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 4, 1952.

[F. R. Doc. 52-2692; Filed, Mar. 7, 1952; 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter VIII—Office of Territories, Department of the Interior

PART 801—VIRGIN ISLANDS PUBLIC WORKS

REVOCATION

MARCH 4, 1952.

Part 801 of Chapter VIII of Title 44 of the Code of Federal Regulations (11 F. R. 9637, 13 F. R. 7355, 15 F. R. 1346, 16 F. R. 5022) is rescinded.

(Sec. 10, 58 Stat. 830)

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-2695; Filed, Mar. 7, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 729]

PEANUTS

NOTICE OF INTENTION TO FORMULATE AND ISSUE REGULATIONS GOVERNING DISTRIBUTION OF PROCEEDS RECEIVED BY COMMODITY CREDIT CORPORATION FROM SALE OF EXCESS VALENCIA TYPE PEANUTS FOR CLEANING AND SHELLING

Pursuant to the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376), the Secretary of Agriculture is preparing to formulate regulations governing the distribution of proceeds realized from the sale of Valencia type excess peanuts of the 1951 crop which were delivered to or marketed through agencies designated by the Secretary. Payments are proposed to be made to producers who delivered such type of excess peanuts to designated agencies, in accordance with the following pertinent provisions of section 359 (g) of the act.

If the total acreage of peanuts picked or threshed on the farm does not exceed the total acreage of peanuts picked or threshed on the farm in 1947 or 1948, if no peanuts were harvested on the farm in 1947, payment of the marketing penalty as provided in subsection (a) will not be required on any excess peanuts which are delivered to or marketed through an agency or agencies designated each year by the Secretary. * * * For all peanuts so delivered to a designated agency under this subsection, producers shall be paid for the portion of the lot constituting excess peanuts, the prevailing market value thereof for crushing for oil (but not more than the price received by such agency from the sale of such peanuts), less the estimated cost of storing, handling, and selling such peanuts: *Provided*, If the Secretary determines that the supply of any type of peanuts is insufficient to meet the demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell peanuts owned or controlled by it for such purposes, the Secretary shall permit the sale, for cleaning and shelling, of the excess peanuts of such type so delivered. Such sales shall be in quantities necessary to meet such demand and at prices not less than those at which the Commodity Credit Corporation may sell peanuts owned or controlled by it for cleaning and shelling. The proceeds received from the sale of such peanuts of such type for cleaning and shelling shall, after deduction of the price paid to producers and other costs incurred in connection therewith, including estimated cost of proration, be prorated proportionately among all of the producers delivering excess peanuts of such type to designated agencies under this section. * * *

Valencia type peanuts of the 1951 crop were declared to be in short supply on January 5, 1952 (17 F. R. 324).

Commodity Credit Corporation was designated by the Secretary of Agriculture as the agency to which excess peanuts could be delivered pursuant to section 359 (g) of the act, with authority to utilize shellers, crushers, warehousemen, and other persons as its agents to receive, handle, and dispose of such excess peanuts (16 F. R. 5672).

It is proposed that the regulations governing the distribution of proceeds from the sale for cleaning and shelling of excess Valencia type peanuts will include the following principal points:

1. The final date for deliveries by producers of excess Valencia type peanuts to Commodity Credit Corporation in order for such producers to share in the distribution of sales proceeds on the basis of such deliveries, will be May 15, 1952.

2. The total quantity of excess Valencia type peanuts delivered to Commodity Credit Corporation, and the quantity delivered from each farm, will be determined from sales memoranda covering excess oil marketings of Valencia type peanuts pursuant to the Marketing Quota Regulations for the 1951 crop of peanuts (16 F. R. 5672) and such quantities will not include any peanuts acquired by seed shellers in connection with shelling producers' peanuts for seed or any high-moisture, high-damage peanuts acquired by shellers or crushers under § 646.339 of the regulations for the 1951 crop peanut price support program, as amended (16 F. R. 10692).

3. The total amount of money to be prorated among producers of Valencia type peanuts will be determined by deducting from the total proceeds received by Commodity Credit Corporation from the sale of Valencia type excess peanuts for cleaning and shelling, the estimated cost of proration, the total of the amounts paid to producers of Valencia type peanuts delivered to Commodity Credit Corporation, and the estimated cost of storing, handling, and selling excess peanuts of such type.

4. The rate of payment to be made to producers of Valencia type peanuts will be determined by dividing the total amount to be prorated for Valencia type peanuts by the total pounds of Valencia type excess peanuts delivered to Commodity Credit Corporation without regard to grade or quality of the peanuts so delivered.

5. Where more than one producer is interested in Valencia type excess peanuts produced on a farm and delivered to Commodity Credit Corporation, each producer's poundage share will be determined by multiplying the producer's percentage share (determined from the 1951 Performance Report Form PMA-578 for the farm) by the total pounds of Valencia type excess peanuts produced on the farm and delivered to Commodity Credit Corporation, unless such percentage or poundage share is redetermined by the PMA county committee on the basis of evidence submitted by producers on the farm

6. Each producer will be required to sign an application for payment certifying to the correctness of his percentage share and poundage share.

7. Any amount payable to a producer will be subject to set-off for any indebtedness of the producer to the United States or any agency thereof.

Prior to issuance of the regulations, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 4th day of March 1952.

[SEAL] HAROLD K. HILL,
Acting Administrator.

[F. R. Doc. 52-2712; Filed, Mar. 7, 1952; 8:47 a. m.]

[7 CFR Parts 904, 934, 947, 996, 999]

[Docket Nos. AO-14-A21; AO-83-A17; AO-203-A3; AO-204-A3; AO-113-A14; ALL RO-1]

HANDLING OF MILK IN THE GREATER BOSTON, LOWELL-LAWRENCE, SPRINGFIELD, WORCESTER, AND FALL RIVER, MASS., MARKETING AREAS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENTS AND TO THE ORDERS NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a reopening of a public hearing to be held in Court Room No. 4 12th floor, Federal Building, Post Office Square, Boston, Massachusetts, beginning at 10:00 a. m., e. s. t., May 5, 1952, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreements heretofore approved by the Secretary of Agriculture, and to the orders now in effect, regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas. These proposed amendments have not received the approval of the Secretary of Agriculture.

A public hearing was held in Barre, Vermont, on January 28; West Springfield, Massachusetts, on January 29; and Boston, Massachusetts, on January 30 through February 1, 1952 pursuant to a notice duly published in the FEDERAL REGISTER (17 F. R. 91). Notice is hereby given that the hearing is being reopened for further consideration of the formula factors for determining future Class I prices in each of these markets. On the basis of the record of the hearing held January 28-February 1, the Production and Marketing Administration has recommended amendments to each of the orders. These recommendations are set forth in detail as proposed amendments to each of the orders in a recommended decision of the Assistant Administrator issued simultaneously herewith. The recommended decision describes further changes in the Class I price formula which are indicated by the evidence in the record but which were not considered thoroughly at the hearing. The specific formula factors about which further testimony is requested by the Production and Marketing Administration relate to:

1. A revision of the supply-demand formula factor to reflect more timely changes in smaller amounts.
2. The relation of the formula index factors to the current price level and reappraisal of the amount of price change to be effected with each 1 point change in the index.
3. Review of the weights to be attached to each factor in the formula index.
4. Consideration of a single wage rate index.
5. Reconsideration of the amount of seasonal price change which should apply to the basic annual price each month.
6. Revise the language of the Class I provisions of the Fall River, Springfield, Worcester, and Lowell-Lawrence orders to establish the Class I price by specific reference to the Class I price under the Boston order.
7. Make such other changes as may be required to make the marketing agreements and orders in their entirety conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the orders as now in effect may be procured from the respective market administrators: Room 403, 230 Congress Street, Boston 10, Massachusetts; 103 Pleasant Street, Fall River, Massachusetts; National Bank Building, 21 Main Street, Andover, Massachusetts; Room 705, 145 State Street, Springfield, Massachusetts; Room 403, 107 Front Street, Worcester, Massachusetts; or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 6th day of March 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-2793; Filed, Mar. 7, 1952; 8:52 a. m.]

[7 CFR Parts 904, 934, 947, 996, 999]

[Docket Nos. AO-14-A21; AO-83-A17; AO-203-A3; AO-204-A3; AO-113-A14]

HANDLING OF MILK IN THE GREATER BOSTON, LOWELL-LAWRENCE, SPRINGFIELD, WORCESTER, AND FALL RIVER, MASS., MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTION THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS AMENDING THE ORDERS, AS NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed marketing agreements and proposed amendments to the orders, as now in effect, regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 5th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed marketing agreements and the proposed orders were formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of petitions filed on behalf of the majority of producers and by several handlers in the five markets. The public hearing was held in Barre, Vermont, on January 28; West Springfield, Massachusetts, on January 29; and Boston, Massachusetts on January 30 through February 1, 1952, pursuant to a notice duly published in the FEDERAL REGISTER (17 F. R. 91).

The material issues considered at the hearing were concerned with the following:

1. The level and basis of pricing Class I milk.
2. The classification of skim milk for human consumption.
3. A revision of the definition of concentrated milk.
4. Extension of the limits of the Boston marketing area.
5. Revisions in the Boston pooling requirements.
6. Revisions of the Lowell-Lawrence pool plant requirements.
7. Modification of the classification provisions with reference to second transfers of milk between certain plants.
8. Revision of the exempt milk definition under the Lowell-Lawrence order to include receipts from nonpool plants for custom bottling.
9. An extension of the nearby differential area under the Springfield order to include the town of Stafford, Connecticut.
10. An extension of the Springfield marketing area.
11. A revision of the emergency milk provisions under the Springfield order to reduce the pool obligations on receipts of emergency outside milk.
12. An adjustment in the country plant zone differentials under the Worcester order.
13. A proposal to reduce the payments into the Worcester pool on Class I milk disposed of in the Boston marketing area.
14. Miscellaneous non-substantive changes in the order provisions.

The following findings and conclusions on issues number 1 and 5 are based upon the evidence introduced at the hearing and the record thereof. It is necessary that amendments be effectuated promptly to deal with the problems raised in connection with these two issues. Other issues require further consideration and

a recommendation on those matters will be made in a separate decision.

1. *Class I price.* The principal issue raised at the hearing dealt with the determination of an appropriate Class I price under current conditions and the selection of certain automatic adjustment factors which would modify such Class I price in the future in response to economic conditions. It is concluded that the Class I pricing formulas in each of these orders be modified (1) to substitute currently published indexes which reflect about the same factors as those currently used in the pricing formulas and (2) to adjust the price schedules related to those index factors. The record indicates that further changes should be made in the pricing formula as soon as possible but the evidence in this record is not complete with respect to these further needed changes. It is concluded therefore, that a further hearing on the issues relating to the Class I prices in each of these 5 Massachusetts markets be opened at Boston May 5, 1952. A notice of this hearing is being issued simultaneously herewith.

Changes to be effected on the record. The Class I price in each of these Massachusetts markets is presently determined by a formula method which was adopted initially as a part of the Boston order, April 1, 1948. Class I prices during the ensuing period have been determined in accordance with this formula with only minor variations. An appraisal of the Class I prices which have been established by the pricing formula over this four-year period indicates that some improvements can be made in the individual formula factors without disturbing the basic concept of the pricing formula.

Experience has shown that the index of department store sales, as reported by the Federal Reserve Board, has been responsive to sporadic buying conditions which relate to department store items but which have little similarity to consumers' purchases of milk. For this reason the committee of experts which first recommended the Class I price formula in 1947 studied carefully the various factors which could be substituted for the department store sales index as a measure of the consumer demand for milk. This committee has now recommended that an index of estimated per capita disposable income in New England be substituted for the department store sales index in the pricing formula. An examination of this index shows that it generally follows the same trends as those indicated by the department store sales index but varies in a narrower range. Since the income data does reflect the general buying power of consumers in the region, changes in the income index can be expected to reflect changes in consumer demand for milk in these marketing areas.

It was recommended by witnesses that the disposable income factor be incorporated in the pricing formula on a 1925–29 base. The record indicates that the construction of estimated per capita disposable income data for the New England region over such a long span of time involves considerable conjecture concerning the relation of income payments to disposable income. Data on disposable income is not available on a regional basis and must be estimated from income payments. It is concluded therefore that the disposable income factor be adopted in the pricing formula as a substitute for the department store sales index with the same weight which was attached to that index in establishing prices for 1951.

Consideration was given at the hearing to the announced intention of the United States Department of Labor, Bureau of Labor Statistics, to publish the index of prices of all commodities sold wholesale on a revised basis beginning with the monthly index for January 1952. Testimony at the hearing indicated that the intended revisions of the index represent improvements in the weightings and the scope of the index and do not modify the economic concept which the index is designed to measure. It is reasonable to assume that the changes in the index would reflect about the same changes as those reflected by the index which has been published by the same agency. Official notice is taken of the index figures released by the Department of Labor, February 29, 1952. It is therefore concluded that the provisions of the Class I pricing formulas should be designed to make use of the revised index which was published by the Department of Labor beginning with the announced figure for January 1952. The factor for relating the revised index to the other formula factors should be constructed so that the revised index would have yielded the same average effect on the formula index in 1951 as was reflected by the index series actually used in establishing 1951 prices.

Although the index movers in the Class I price formulas appear to have brought about price changes in the right direction at the right time, the prices over most of this period have been established at a level 44 cents lower than the formula schedule indicated. One year and five months after the adoption of the pricing formula, the market supply relative to sales in the Boston market passed the annual level of 41 percent surplus which has been regarded as the upper limit of a normal reserve supply for fluid sales in these markets. The supply has remained above that point ever since that date, August 1949. At the time the pricing formula was adopted, it was anticipated that the index factors combined with the basic price at which the formula was started, might result in too high or too low a price to maintain the necessary supply of milk. In order to adjust for such a situation, the formula contains a device for automatically raising or lowering the formula price 44 cents per hundredweight when the 12-month supply surpasses 41 percent Class II milk in the case of an oversupply or falls below 33 percent in the case of a short supply. This automatic adjustment device became effective October 1, 1949 and lowered the basic price 44 cents on that date. The price in the Boston market has been maintained at this 44 cent lower level since that date.

In spite of this adjustment in the price level, the supply has continued in excess of the 41 percent reserve increasing rapidly through 1949 and the first half of 1950. Late in 1950, it dropped slightly and leveled out during the next 12 months at a figure between 45 and 46 percent. Beginning with November 1951, the reserve percentage again began to drop in response to some decline in average production per dairy, a slight improvement in sales inside the marketing area and a substantial increase in sales outside the marketing area. Since the market reserve supply is still in excess of the maximum reserve which the market should carry as a normal pattern and is considerably more than the 33 percent reserve which is regarded as a minimum normal amount, there appears by this measure to be a sufficient reserve supply at the present time. The formula price schedules should be revised therefore to reflect the actual level of prices which has been established with the 44-cent reduction brought about by the supply-demand provision.

This readjustment of the price schedules should not result in a further drop in price because the markets are still maintaining more than a normal reserve as measured by the Boston Class II percentage during the latest 12-month period. There is considerable evidence in this record to indicate that the 12-month factor may be too slow to reflect changed conditions of supply relative to sales. It is concluded therefore that the supply-demand provisions be deleted from the orders pending the appraisal of the record of the hearing scheduled to open May 5 for the purpose of receiving evidence with respect to a more sensitive adjustment factor.

The prices which have been established under the pricing formula have yielded prices to producers generally in line with prices received by dairy farmers in other parts of the country. The increase in the blend price to producers in the Boston market for 1950 to 1951 was about the same as the increase in the prices paid for all milk sold wholesale in the United States. Fluid milk prices in the country as a whole, as in the Boston market, increased somewhat less than the average of all milk sold wholesale.

Although Class I prices in the New York and Boston markets follow a different seasonal pattern and price differences in individual months are substantial, the New York price for 3.7 percent Class IA milk, averaged only 9 cents higher than the Boston price during the 18 month period August 1950 through January 1952. Most of this price advantage was reflected during the early months of that period. Since the wholesale commodity price index in current months has been declining although other indexes used in the Boston formula have been rising, it is probable that Boston Class I prices will exceed New York Class IA prices by a small amount in 1952. This would tend to offset the slightly higher New York prices in 1951.

Certain producer groups requested that the seasonal pattern of pricing be modified to include January and February in the group of months for which a price 44 cents higher than the annual level is paid. These producers requested

that the higher prices for January and February be adopted with no change in the annual level of price which would mean an increase in the average annual price of about 7 cents per hundredweight. As indicated heretofore the record does not substantiate the need for an overall increase in the price relative to the index factors.

Class I prices established for milk delivered by producers to handlers regulated under the Springfield, Worcester, Lowell-Lawrence, and Fall River, Massachusetts markets should continue to be established in accordance with a fixed differential relative to the Boston price. The record indicates that the production conditions affecting the supply and sales of Class I milk in each of these markets are similar to the conditions existing in the Boston market. There were no proposals at the hearing to establish any different level of prices in these markets in relation to the Boston price.

Changes recommended for further hearing. The evidence in the hearing shows an urgent need for a more sensitive adjustment of the Class I price to current demand and supply conditions. Several of the proposals made at the hearing were supported on the presumption that the present level of milk deliveries and Class I sales portend a short supply in the near future. Witnesses contended that the supply-demand provisions calculated on the basis of experience during the preceding 2d-13th month fail to reflect the current situation. Several of the briefs filed following the hearing called attention to the need for a more current measure of the market supply relative to sales.

Although the record clearly substantiates the need for a more sensitive price adjustment device which would provide prompt adjustments when supplies of milk rise above or fall below the normal requirements of the market, no plan for accomplishing such adjustments was described at the hearing. Accordingly, the Production and Marketing Administration is requesting further testimony on this issue at a public hearing May 5, 1952.

The formula index and the price should be related to a recent base period from which the price level can be appraised. Since the price level is established on the basis of an appraisal of present and prospective market conditions, the choice of a base involves little more than the refinement of the weights attached to each index. The formula index based on 1925–29 factors reflects a 0.33 weight to the wholesale price level and to the demand factor, a 0.20 weight to dairy feed prices and a 0.13 weight to farm wage rates. Actually, in establishing 1951 prices, the wholesale price level contributed 0.32 of the index, department store sales index 0.34, the grain index 0.19, and farm wage rate 0.13. Use of a recent base period also removes the necessity for measuring long time changes in efficiency of milk production or changes in consumers' habits in buying milk. Since the choice of a base period was not discussed in detail at the recent hearing, this issue is included in the notice of hearing to be held May 5. The record indicates that several adjustments have been delayed because the accumulated effect of factors was not sufficient to make a price change. It appears that price adjustments should not be withheld from producers merely for the purpose of accumulating evidence of a need for a price change. Therefore further consideration should be given to reflecting promptly each month in price adjustments any index changes or changes in the supply-demand ratio.

The record indicates that the sharp cut in prices on January 1 is regarded by some producers as a deterrent to their efforts to increase milk production during the short supply months of November and December. There is some indication in the record that the July 1 price rise encourages producers to shift freshening only to the extent of shifting spring freshening cows to July freshening animals. The seasonal price schedule should be reappraised at the reopened hearing particularly with reference to these abrupt price changes brought about by the seasonal factor.

An index of farm wage rates has been a part of the formula since its adoption. Such an index appears to reflect suitably the influence of that factor upon the supply of milk. However, since the adoption of the formula the particular index which was chosen to reflect such changes in wage rates has been discontinued and on August 1, 1951, it became necessary to compute an index of such wage rates from a different set of data. This calculation encumbers the formula computation and furthermore is no longer strictly accurate. It employs the use of varying weights for the wage rates in each of four states which purports to reflect the proportions of milk received at the Boston market from such states. These proportions change from year to year and are now somewhat different from those upon which such factors were determined at the time the pricing formula was adopted. Moreover, the present basic formula index is utilized not only to establish the price of milk for the Boston market but for four other Massachusetts urban areas in which the handling and pricing of milk is regulated by Federal orders. Consideration should be directed toward the use of a regional index which would reflect changes in wage rates paid to hired farm laborers in all of the New England area as satisfactorily as the more complex index now prescribed by the order.

It is recommended further that consideration be directed at the hearing to establishing the Class I prices in the Fall River, Springfield, Worcester, and Lowell-Lawrence orders by specifying the amount of the present difference between Class I prices for milk delivered to city plants under such orders and the Boston 201–210 mile zone price. The current public hearing record indicates the importance of establishing prices related directly to the Boston price. It appears logical therefore to specify the prices for these Massachusetts markets in terms of the differential over the Boston 201–210 mile zone Class I price. Direct evidence with respect to a proposal to draft the provisions of the Lowell-Lawrence, Fall River, Springfield, and Worcester orders by direct reference to the Boston price is requested at the May hearing.

5. *Boston pool plant requirements.* The pool plant requirements under the Boston order should be revised to deny the privilege of pooling to a plant or to a dairy farmer during the months of April, May, and June, if the plant or dairy farmer was not continuously supplying the market during the previous period of July through March.

The pool plant requirements under the Boston order are intended to extend, only to those plants and dairy farmers which have been continuously supplying the Boston market, the privilege of pooling during April, May, and June when milk production is the heaviest and plants derive the greatest advantages from pooling the surplus burden. Certain handlers have taken advantage of the present pool plant requirements by removing plants temporarily from the pool in the month of July when it is possible to market the milk from that plant in Class I uses primarily. Other handlers have found it expedient to transfer producers temporarily, under the three-day tolerance, to another plant when such milk can be diverted for Class I use. In both instances, the producers are transferred with a resultant loss of Class I sales to the pool. Market-wide pooling should require pooling of all Class I sales of plants carried in the pool during the surplus milk production season. The Boston order should be amended to require continuous participation in the pool from July through March in order to participate in the pool in April, May, and June. This amendment should be made effective on July 1, 1952 in such a way that plants which may not be pooled in April, May, and June can acquire pool status in July this year.

General findings. (a) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in marketing agreements upon which a hearing has been held; and

(c) The parity prices of milk as determined pursuant to Section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and in the orders, now in effect, and as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk in each of said marketing areas, respectively, and be in the public interest.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of interested persons. The briefs contained suggested findings of facts, conclusions, and arguments with respect to

the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreements and orders. The following amendments to the respective orders are recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as amended, and as proposed here to be further amended.

Boston:

1. Amend § 904.2 (d) by deleting the present language and substituting therefor the following:

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during April, May, or June from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler received nonpool milk during any of the preceding months of July through March except that the term shall not include any person who was a producer-handler during such July–March period.

2. Amend § 904.21 (f) by deleting the present language and substituting therefor the following:

(f) Each of a handler's plants which is a nonpool plant during any of the months of July through March, shall be a nonpool plant in any of the immediately succeeding months of April through June in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during July through March was in the handler's capacity as a producer-handler.

3. Amend § 904.40 (a) and (b) by deleting the present language and substituting therefor the following:

(a) Compute an index of wholesale prices by multiplying by 1.6 the latest available monthly wholesale price index for all commodities reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(b) Compute an index of per capita disposable income in New England as follows:

(1) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Commerce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as the "New England adjustment percentage;"

(2) Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President.

(3) Divide the result by 785 and multiply by 100.

4. Amend § 904.40 (e) by deleting the present Class I Price Schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119–125	3.45	3.01	3.89
126–132	3.67	3.23	4.11
133–139	3.89	3.45	4.33
140–146	4.11	3.67	4.55
147–152	4.33	3.89	4.77
153–159	4.55	4.11	4.99
160–166	4.77	4.33	5.21
167–173	4.99	4.55	5.43
174–180	5.21	4.77	5.65
181–187	5.43	4.99	5.87
188–194	5.65	5.21	6.09
195–201	5.87	5.43	6.31
202–208	6.09	5.65	6.53
209–215	6.31	5.87	6.75
216–222	6.53	6.09	6.97
223–229	6.75	6.31	7.19

If the formula index is more than 229, the prices shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

5. Delete § 904.40 (f) and (g).

Lowell-Lawrence, Fall River, Springfield, Worcester:

6. Amend § 40 (a) and (b) of Order No.'s 34, 47, 96, and 99 by deleting the present language and substituting therefor the following:

(a) Compute an index of wholesale prices by multiplying by 1.6 the latest available monthly wholesale price index for all commodities reported by the Bureau of Labor Statistics, United States Department of Labor with the years 1947–49 as the base period.

(b) Compute an index of per capita disposable income in New England as follows:

(1) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Commerce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as the "New England adjustment percentage";

(2) Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President.

(3) Divide the result by 785 and multiply by 100.

7. Delete § 40 (f) and (g) of Order No.'s 34, 47, 96, and 99.

Lowell-Lawrence, Springfield, Worcester:

8. Amend § 40 (e) of Order No.'s 34, 96, and 99 by deleting the present Class I Price Schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119–126	3.97	3.53	4.41
126–132	4.19	3.75	4.63
133–139	4.41	3.97	4.85
140–146	4.63	4.19	5.07
147–152	4.85	4.41	5.29
153–159	5.07	4.63	5.51
160–166	5.29	4.85	5.73
167–173	5.51	5.07	5.95
174–180	5.73	5.29	6.17
181–187	5.95	5.51	6.39
188–194	6.17	5.73	6.61
195–201	6.39	5.95	6.83
202–208	6.61	6.17	7.05
209–215	6.83	6.39	7.27
216–222	7.05	6.61	7.49
223–229	7.27	6.83	7.71

If the formula index is more than 229, the prices shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

Fall River:

9. Amend § 40 (e) of Order No. 47 by deleting the present Class I Price Schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119–125	4.26	3.82	4.70
126–132	4.48	4.04	4.92
133–139	4.70	4.26	5.14
140–146	4.92	4.48	5.36
147–152	5.14	4.70	5.58
153–159	5.36	4.92	5.80
160–166	5.58	5.14	6.02
167–173	5.80	5.36	6.24
174–180	6.02	5.58	6.46
181–187	6.24	5.80	6.68
188–194	6.46	6.02	6.90
195–201	6.68	6.24	7.12
202–208	6.90	6.46	7.34
209–215	7.12	6.68	7.56
216–222	7.34	6.90	7.78
223–229	7.56	7.12	8.00

If the formula index is more than 229, the prices shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

Issued at Washington, D. C. this 6th day of March 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52–2794; Filed, Nov. 7, 1952; 8:52 a. m.]

[7 CFR Part 935]

[Docket No. AO–86 A9]

MILK IN OMAHA-COUNCIL BLUFFS MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK; PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders, notice is hereby given of a public hearing to be held in the North Court Room, Post Office Building, Omaha, Nebraska, beginning at 10:00 a. m., C. S. T., March 26, 1952, for the purpose of receiving evidence with re-

spect to the economic conditions which relate to the proposed amendments hereinafter set forth or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, for the Omaha-Council Bluffs marketing area, have been proposed as follows:

By The Nebraska-Iowa Non-Stock Cooperative Milk Association, Omaha, Nebraska:

1. Amend § 935.1 (c) to read as follows:

(c) "Nebraska-Iowa Marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the cities of Omaha, Lincoln, Fremont, and York, Nebraska, and Council Bluffs, Iowa; the village of West Lincoln, Nebraska and the territory within the Lincoln Air Base; the territory within Kane, Lake, Garner, and Lewis townships in Pottawattamie County, Iowa; and the territory within East Omaha, Florence, Union, Benson, McHugh, Moorehead, McArdle, Loveland, Ralston, Ashland, May, and Waterloo precincts in Douglas County, Nebraska; and the territory within Gilmore, Highland, and Bellevue townships in Sarpy County, Nebraska.

2. Amend § 935.1 (d) to read as follows:

(d) "Person" means any individual, partnership, corporation, association, or any other business unit. Each recognized division of any such form of organization shall be deemed to be a separate person.

3. Amend § 935.1 (e) to read as follows:

(e) "Producer" means any person, irrespective of whether such person is also a handler, who produces milk in conformity with the Grade A quality requirements of the milk ordinance of any of the municipalities in the marketing area which is received at a plant where milk is processed and packaged and from which skim milk and butterfat are disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area. This definition shall include any person who produces milk which a cooperative association causes to be diverted from a plant of a handler to the plant of a non-handler for the account of such cooperative association.

4. Amend § 935.1 (k) by deleting the words "or emergency milk."

5. Delete § 935.1 (l).

6. Delete § 935.1 (p).

7. Amend § 935.2 (b) by adding thereto the following:

(3) To make rules and regulations to effectuate the provisions hereof.

8. Amend § 935.3 (a) (1) (i) to read as follows:

(i) The respective quantities of skim milk and butterfat contained in producer milk and other source milk (except products disposed of in the form in which received without further processing or packaging in the plant of the handler) received during the delivery period;

9. Amend § 935.3 (c) by deleting the following: "except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949" and "or before October 1, 1949, whichever is applicable."

10. Amend § 935.4 (b) to read as follows:

(b) Subject to the conditions set forth in paragraphs (c), (d), and (e) of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all skim milk and butterfat (i) disposed of in the form of milk, skim milk, butterfat, yogurt, flavored milk, flavored milk drinks, cream, either sweet or sour (including any mixture of butterfat and skim milk containing more than 6 percent butterfat except mixes for ice cream and frozen desserts) and eggnog, (ii) used in the production of concentrated milk, not sterilized, for consumption in fluid form, and (iii) not specifically accounted for as Class II and Class III milk.

(2) Class II milk shall be all skim milk and butterfat used to produce evaporated milk, condensed milk, ice cream, mixes for ice cream and frozen desserts, aerated products containing milk or cream or a combination thereof (such as "Reddi-Whip," "Instant Whip," etc.) and cottage cheese, and any milk product other than those specified in subparagraphs (1) and (3) of this paragraph.

(3) Class III milk shall be all skim milk and butterfat used to produce butter, American type cheddar cheese, casein and nonfat dry milk solids, or specifically disposed of as animal feed, and actual plant shrinkage up to 2 percent of the total receipts of milk from producers, except milk received from other handlers which are not cooperative associations, and in shrinkage of other source milk.

11. Add a new section as follows:

Shrinkage. The market administrator shall allocate shrinkage over a handler's receipts as follows:

(1) Compute the total shrinkage of skim milk and butterfat for each handler.

(2) Prorate the resulting amounts between the receipts of skim milk and butterfat received from producers and from other sources.

12. Amend § 935.4 (c) to read as follows:

(c) (1) Skim milk and butterfat, when transferred or diverted by a handler which is not a cooperative association to another handler who receives milk from producers or associations of producers, shall be Class I if transferred in the form of milk, skim milk or cream: *Provided*, That if the selling handler, on or before the 5th day after the end of the delivery period during which such transfer is made, furnishes to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in a different class, such skim milk or butterfat may be assigned to the indicated class up to the amount thereof remaining in such class in the plant of the buyer after the subtraction of other source milk pursuant to paragraph (g) (2) of this section.

(2) Skim milk and butterfat when transferred or diverted by a handler which is not a cooperative association to a producer-handler shall be Class I if transferred in the form of milk, skim milk or cream.

(3) Skim milk and butterfat which is caused to be delivered from producers to the plant of a handler by a cooperative association which is a handler for the account of such cooperative association shall be ratably apportioned over the receiving handler's total utilization of producer milk.

(4) Skim milk and butterfat when transferred or diverted by a handler, including a cooperative association which is a handler, to the plant of a non-handler less than 100 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream: *Provided*, That if the selling handler, on or before the 5th day after the end of the delivery period during which such transfer was made, furnishes to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in a different class and that such utilization may be audited by the market administrator at the receiving plant such skim milk and butterfat may be classified accordingly: *Provided further*, That if upon audit of the buyer's records it is found that the use of skim milk and butterfat in the buyer's plant in the indicated disposition is less than the amount certified to have been so used, any remaining amount shall be classified in the next available higher use classification.

(5) Skim milk and butterfat when transferred or diverted from the plant of a handler to the plant of a non-handler located more than 100 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream.

(6) Skim milk and butterfat received by a handler as other source milk shall be classified in the lowest class in which the handler has use.

(7) Skim milk and butterfat of a handler's own production shall be ratably apportioned over such handler's total utilization of producer milk.

13. Delete § 935.4 (e) and substitute the following:

(e) For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

14. Delete § 935.4 (f).

15. Delete § 935.4 (g) and substitute the following:

(g) After computing pursuant to paragraph (e) of this section the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers as follows:

(1) Skim milk shall be allocated in the following manner:

(i) Subtract from the total pounds of skim milk in Class III the pounds of skim milk allocated to shrinkage of producer milk;

(ii) Subtract from the remaining pounds of skim milk in each class in series beginning with the lowest price class in which the handler has use, the pounds of skim milk contained in other source milk;

(iii) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to this section;

(iv) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subdivision (i) of this subparagraph; and

(v) Subtract pro rata from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat of the handler's own production.

(vi) Subtract pro rata from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from a cooperative association which is a handler.

(vii) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from the pounds of skim milk in each class in series beginning with the lowest priced class in which the handler has use. Any amount so subtracted shall be called "overage."

(2) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in subparagraph (1) of this paragraph.

16. Amend § 935.5 (a) as follows:

a. The introductory text is amended to read as follows:

(a) The basic price to be used in computing minimum class prices per hundredweight for each delivery period shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

b. Delete from subparagraph (1) of this section the words "Dean Milk Co. ------ Pearl City, Ill."

c. Change "Class III" to "Class II" in subparagraph (2).

17. Delete § 935.5 (b) and substitute the following:

(b) Each handler shall pay at the time and in the manner set forth in § 935.7 not less than the prices set forth in this paragraph for skim milk and butterfat in producer milk received during the delivery period at such handler's plant.

(1) *Class I.* The price per hundredweight for Class I milk containing 3.8 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus $1.50.

(i) The price per hundredweight of butterfat in Class I milk shall be computed by adding $30.00 to the price computed pursuant to (2) (i) of this paragraph for the preceding delivery period.

(ii) The price per hundredweight of skim milk in Class I milk shall be computed by (*a*) multiplying by 0.038 the price computed pursuant to subdivision (i) of this subparagraph, (*b*) subtracting the result from the price computed pursuant to this subparagraph for Class I milk containing 3.8 percent butterfat, (*c*) dividing the result by 0.962, and (*d*) adjusting to the nearest cent.

(2) *Class II.* The price per hundredweight of Class II milk containing 3.8 percent butterfat shall be that computed by multiplying by 3.8 the price computed pursuant to subdivision (i) (c) of this subparagraph and adding thereto the amount computed pursuant to subdivision (ii) (*a*) of this subparagraph.

(i) The price per hundredweight of butterfat in Class II milk shall be computed by (*a*) multiplying by 1.25 the average of the prices per pound of 92-score butter at wholesale in the Chicago market as reported by the Department of Agriculture during the delivery period in which such milk was received, (*b*) subtracting 5 cents, (*c*) adjusting to the nearest cent, and (*d*) multiplying the result by 100.

(ii) The price per hundredweight of skim milk in Class II milk shall be computed by (*a*) adding to 21 cents, 3 cents for each full one-half cent that the price of nonfat dry milk solids for human consumption is above 7 cents per pound, (*b*) dividing the resulting sum by 0.962, and (*c*) adjusting to the nearest cent. The price per pound of nonfat dry milk solids to be used shall be the arithmetical average of the carlot prices, both spray and roller process, for human consumption delivered at Chicago, as reported by the Department of Agriculture for the delivery period, including in such average the quotations for any part of the preceding delivery period which were not published and available for the determination of the prices of such nonfat dry milk solids for the previous delivery period. In the event the Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, the average of the carlot prices for nonfat dry milk solids for human consumption f. o. b. manufacturing plants as reported by the Department of Agriculture for the Chicago area shall be used, and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

(3) *Class III.* The price per hundredweight of Class III milk containing 3.8 percent butterfat shall be the Class II price, less 15 cents.

(i) The price per hundredweight of butterfat in Class III milk shall be the price of Class II butterfat less $3.00.

(ii) The price per hundredweight of skim milk in class III shall be computed by (*a*) multiplying by 0.038 the price computed pursuant to subdivision (i) of this paragraph, (*b*) subtracting the result from the price computed pursuant to this paragraph for 3.8 percent milk, (*c*) dividing the result by 0.962 and (*d*) adjusting to the nearest cent.

18. Amend § 935.5, by adding thereto the following:

(d) *Location adjustment credit to handlers.* A handler shall be entitled to a location adjustment credit of 10 cents per hundredweight on that portion of the milk received directly from producers at a plant or receiving station in York or Stromsburg, Nebraska, which is moved in the form of fluid milk or cream to a plant of a handler in the Lincoln or Omaha sections of the marketing area; and a credit of 5 cents per hundredweight on that portion of the milk received directly from producers at a plant in Waterloo precinct which is moved in the form of fluid milk or cream to the handler's plant in Omaha.

19. Delete § 935.6 (a) and substitute the following:

(a) The value of the milk received by each handler from producers during each delivery period shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class computed pursuant to § 935.4 (g) by the applicable class prices, and adjusting the result as follows:

(1) If a handler has overage of either skim milk or butterfat, the market administrator shall add an amount computed by multiplying the pounds of overage by the applicable class prices.

(2) If any skim milk or butterfat in other source milk has been allocated to Class I pursuant to § 935.4 (g) the market administrator shall add an amount equal to the difference between the value of such skim milk or butterfat at the Class I price and the Class III price unless the handler can prove to the satisfaction of the market administrator that such other source milk or butterfat was used only to the extent that producer milk was not available.

(3) Subtract all location adjustment credits computed pursuant to § 935.5 (d).

20. Amend § 935.6 (b) as follows:

a. Change subparagraph (3) to subparagraph (2).

b. Add the following new subparagraphs (3) and (4).

(3) Subtract during each of the delivery periods of April, May, and June an amount equal to 8 percent of the resulting sum;

(4) Add during each of the delivery periods of September, October, and November one-third of the total amount subtracted pursuant to subparagraph (3) of this paragraph.

Change subparagraph (2) to subparagraph (5) and renumber remaining subparagraphs consecutively.

21. Amend § 935.7 (b) (1) and (2) to read as follows:

(1) *Payments to the Producer Settlement Fund.* On or before the 8th day after the end of each delivery period each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value computed for him pursuant to § 935.6 (a) for such de-

livery period is greater than the sum required to be paid by such handler pursuant to § 935.6 (b), which amount shall be subject to adjustments made pursuant to § 935.7 (a) (3).

(2) *Payments out of the Producer Settlement Fund.* On or before the 10th day after the end of each delivery period, the market administrator shall pay to each handler, including a cooperative association which is a handler, for payment to producers, the amount, if any, by which the sum required to be paid by such handler pursuant to § 935.6 (b) is greater than the total value computed for him pursuant to § 935.6 (a), which amount shall be subject to adjustments made pursuant to § 935.7 (a) (3).

22. Amend § 935.8 (a) to read as follows:

(a) As his pro rata share of the expense of administration hereof each handler, except a producer-handler, on or before the 10th day after the end of the delivery period shall pay to the market administrator, with respect to all milk received from producers, and all other source milk, an amount per hundredweight, not to exceed 2 cents per hundredweight, which is announced by the market administrator on or before the 8th day after the end of the delivery period, subject to review by the Secretary. As its pro rata share of the expense of administration hereof, a cooperative association which is a handler, shall pay to the market administrator on or before the 10th day after the end of the delivery period, with respect to the milk of any producer which it causes to be delivered to the plant of a non-handler, an amount per hundredweight equivalent to that required to be paid by other handlers pursuant to this paragraph.

By The Beatrice Foods Company, Chicago, Illinois:

23. Amend that portion of § 935.4 (g) immediately preceding subparagraph (1) to read as follows:

(g) *Computation of the classification of skim milk and butterfat in producer milk for each handler.* For each delivery period the market administrator shall compute for each handler the respective amounts of skim milk and butterfat of producer milk in each class by making the following computations in the order specified after subtracting all ungraded other source milk and milk received from other Federal order markets from the class in which used:

24. Add a new section as follows:

Handlers subject to other Federal orders. In the case of any handler whom the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another order or marketing agreement issued pursuant to the act than is disposed of in the Omaha-Council Bluffs marketing area as Class I milk, the provision of this order shall not apply except as follows: The handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

25. In the event that it is determined by the Secretary that an order should be issued to regulate the handling of milk in the Lincoln, Nebraska, area as proposed by the Nebraska-Iowa Non-Stock Cooperative Milk Association or as such proposal may be amended, we propose that a separate order for this area be issued by the Secretary.

By Roberts Dairy Company, Omaha, Nebraska:

26. That no change be made in the definition for "Nebraska-Iowa marketing area."

27. That if Lincoln, Nebraska and its environs are to be covered by Federal order covering the regulation of the handling of milk, that such marketing area be handled by separate marketing order and not included under Order No. 35.

28. That if Lincoln is to be included under Federal Order No. 35, that the area definition be expanded to include the territory joining the corporate limits of the city of Lincoln and similarly if the city of Fremont is to be included in Order No. 35.

29. That if the Lincoln, Nebraska territory is to be included in the marketing area under Federal Order No. 35, that separate provisions for reporting and accounting for Class C milk be incorporated in the order wherever appropriate and necessary to arriving at the accounting and pricing of Grade A milk under the order. These provisions should provide for Class I milk, as defined under the present order, Grade A; Class I milk, as defined under the present order, Grade C; Class II milk, as defined under the present order, Grade A; Class II milk, as defined under the present order, Grade C; and Class III milk, as defined under the present order.

30. That the price for Class III milk be 20 cents less than the price set forth in the present order.

31. That the premium to be added to the basic price for Class I milk be 75 cents for the months of April, May, June, and July, and $1.15 for the remaining months of the year.

32. That the definition of Grade A milk contained in the present order be retained and an explanation added that, where used in the order the words "milk", "butterfat", and "skim" do not include other grade milk than Grade A except where specifically stated.

33. That the adjustment credit to handlers, as in proposal 18 in the Association's proposal, be applicable to all milk received at a handler's plant located more than 50 miles from the marketing area and moved in the form of fluid milk or cream of any grade to a marketing area.

34. That producer's proposal 23 should be changed to require handlers to pay to the Market Administrator at an amount per hundredweight not to exceed 2 cents per hundredweight on all milk sold as Grade A, Class I, and that the producers share the expense of Administration by payment to the Market Administrator of an amount equal to the dollar amount of the aggregate payments by the handlers.

35. That the alternative price formula based on condensary prices be eliminated.

36. That skim milk and butterfat transferred in bottle or package form from the plant of a handler to the plant of a non-handler at Grand Island, Nebraska, shall be Class I provided that if the selling handler, on or before the fifth day at the end of the delivery period during which said transfer was made, furnishes to the Market Administrator a statement signed by it, setting forth the pounds of Grade A skim milk and butterfat received at the handler's plant from the plant of the non-handler in Grand Island, Nebraska, such amount shall be excluded from Grade A milk and pricing under this order: *Provided however*, That if upon audit of the handler's or non-handler's records, it is found that the non-handlers at Grand Island, Nebraska, supplied the handlers less than the amount of Grade A certified, such difference shall be classified as Class I, Grade A milk.

Copies of this notice of hearing may be procured from Wayne McPherren, Market Administrator, 302 Aquila Court, Omaha 2, Nebraska, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 5, 1952, Washington, D. C.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 52-2768; Filed, Mar. 7, 1952; 8:51 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 201]

GENERAL REGULATIONS

NOTICE OF PROPOSED RULE MAKING

A general revision of the regulations in this part has been undertaken for the purpose of more logical presentation and to spell out in more specific manner the responsibility of primary and secondary contractors for compliance with the requirements of the Public Contracts Act.

Notice is hereby given that the Secretary of Labor proposes to revise the regulations in this part as set forth below. Prior to issuance of the revised regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Secretary of Labor, Washington 25, D. C., within 30 days from publication of this notice in the FEDERAL REGISTER.

This revision will not in any way affect the temporary exemptions applicable to Defense Production Pools (16 F. R. 5847) and contracts for procurement of certain classes of canned fruits and vegetables (17 F. R. 76).

Sec.

Sec.

§ 201.1 *Definitions.* (a) "Person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(b) "Basic hourly rate" means an hourly rate equivalent to the rate upon which time-and-one-half overtime compensation may be computed and paid under section 7 of the Fair Labor Standards Act of 1938, as amended. The basic hourly rate may, in no case, be less than the applicable minimum wage.

(c) "Manufacturer" means a person who owns, operates or maintains a factory or establishment at which are manufactured, processed, assembled or otherwise produced the materials, supplies, articles, or equipment of the general character required under the contract.

(d) "Regular dealer" means a person who owns, operates or maintains a store, warehouse or other place of business in which materials, supplies, articles or equipment of the general character required under the contract are bought, kept in stock, and sold to the public in the usual course of business; except that, the requirements that the materials, supplies, articles or equipment of the general character required under the contract must be kept in stock shall not apply in the case of:

(1) A wholesale dealer in lumber and timber products, at least 50 percent of whose business is the purchase on his own account of lumber and timber products, and sale of such commodities to the public in the usual course of business;

(2) A dealer in coal who deals on his own account in lots of not less than a cargo or railroad carload;

(3) A dealer in machine tools, who, through contract or agreement with a manufacturer, has responsibility for selling that manufacturer's products with respect to a specific territory, and who is authorized by such manufacturer to offer its products and to negotiate and conclude contracts for the furnishing thereof;

(4) A dealer in hay, grain, feed or straw whose principal business is the purchase on his own account of commodities of the general character of hay, grain, feed or straw and sale of such commodities to the public in the usual course of business;

(5) A dealer in raw cotton whose principal business is purchase on his own account of commodities of the general character of raw cotton and sale of such commodities to the public in the usual course of business;

(6) A dealer in green coffee whose principal business is purchase on his own account of commodities of the general character of green coffee and sale of such commodities to the public in the usual course of business.

(e) "Day" means that period of time commencing at the beginning of the workweek if the employee is then at work, or if not then at work, then commencing when the employee first commences work, and terminating 24 hours thereafter; the next and each succeeding "day" is a 24-hour period beginning at the expiration of 24 hours from the commencement of the previous "day" if the employee is then at work and continues working, or if the employee is not then at work, when the employee next begins to work. The end of the workweek, however, will terminate the last "day" of the week for overtime purposes, even though the 24-hour period may not have expired.

(f) "Week" means a fixed and regularly recurring period of 168 hours—even consecutive 24-hour periods. It need not coincide with the calendar week but may begin on any day and at any hour of the day. For purposes of computing pay due under the act, the workweek may be established for the plant as a whole or different workweeks may be established for different employees or groups of employees within the plant. Once the beginning time of an employee's workweek is established, it remains fixed regardless of the schedule of hours worked by him. The beginning of the workweek may be changed if the change is intended to be permanent and is not designed to circumvent the overtime requirements of the act.

§ 201.2 *Insertion of stipulations.* In every contract made and entered into by any executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation, all of the stock of which is beneficially owned by the United States, for the manufacture or furnishing of materials, supplies, articles, or equipment, or for construction, alteration, furnishing or equipping of naval vessels, in an amount which exceeds, or in an indefinite amount having the capacity to exceed, $10,000, and which is not exempt under section 9 of the act or has not been exempted pursuant to section 6 of the act, there shall be included the following representations and stipulations:

(a) *Qualification of contractor.* The contractor is the manufacturer of or a regular dealer in the materials, supplies, articles or equipment to be manufactured or used in the performance of the contract.

(1) The Secretary of Labor under authority conferred upon him under section 6 of the Public Contracts Act has relaxed the obligation of the contractor to manufacture or furnish the contract commodities himself, provided the following conditions are met: (i) the contractor is a qualified manufacturer or regular dealer, as these terms are defined in the Public Contracts Act Regulations; (ii) the contractor notifies all secondary contractors that the materials and articles contracted for or the operations to be performed are in fulfillment of a Government contract subject to the act and the stipulations required thereunder.

(2) It is expressly agreed and understood that where the contractor, pursuant to such relaxation, enters into any arrangement with a secondary contractor for manufacture or supply of the contract commodities, or materials or parts to be used in the performance of the contract, the contractor is charged with the duty of obtaining compliance by the secondary contractor with the requirements of these stipulations to the same extent as if he performed the work himself and he shall be liable for any failure by the secondary contractor to observe the requirements of such stipulations; except that this undertaking by the contractor is not applicable where the secondary contractor is an "auxiliary supplier" within the meaning of § 201.5 (c) of the Public Contracts Act Regulations (41 CFR 201.5 (c)).

(b) *Minimum wage.* All persons employed by the contractor (or by a secondary contractor as permitted under stipulation (a) hereof) in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract will be paid, without subsequent deduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wage for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under the contract: *Provided*, That deductions or rebates are permitted to the extent authorized under the Fair Labor Standards Act of 1938, as amended.

(c) *Overtime.* No person employed by the contractor (or by a secondary contractor as permitted under stipulation (a) hereof) in the manufacture or furnishing of the materials, supplies, articles or equipment used in the performance of the contract shall be permitted to work in excess of 8 hours in any one day or in excess of 40 hours in any one workweek unless such person is paid for any hours in excess of such limits at a rate of not less than one and one-half times the basic hourly rate received by such employee.

(d) *Child labor and convict labor.* No male person under 16 years of age and no female person under 18 years of age and no convict labor will be employed by the contractor (or by a secondary contractor as permitted under stipulation (a) hereof) in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in the contract.

(e) *Safety and health.* No part of the contract will be performed nor will any of the materials, supplies, articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in or furnished from any plants, factories, buildings, or surroundings or under working conditions which are insanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of the contract. Compliance with the safety, sanitary and factory inspection laws of the State in which the work or part thereof is performed shall be prima facie evidence of compliance with this stipulation.

(f) *Homework.* No part of the contract will be performed nor will any of the materials, supplies, articles or equipment to be manufactured or furnished under said contract be manufactured, fabricated, processed or assembled in or about a home, apartment, tenement or room in a residential establishment; except that handicapped clients of a sheltered workshop may be employed in accordance with regulations adopted pursuant to the Fair Labor Standards Act of 1938, as amended (29 CFR Part 525).

(g) *Eligibility.* No part of the contract will be performed and none of the materials, articles, supplies or equipment manufactured or furnished under the contract will be manufactured or furnished by any person who is ineligible to be awarded Government contracts pursuant to section 3 of the act or by any firm, corporation, partnership,

or association in which such person or firm has a controlling interest.

(h) *Records and posting.* As required under the Public Contracts Act Regulations (41 CFR 201.10) employment records shall be made, kept, and preserved and be made available for inspection by authorized representatives of the Secretary of Labor, and the official Public Contracts poster shall be posted in a prominent and readily accessible place at the site or sites of the contract work.

(i) *Damages and sanctions.* In addition to damages for any other breach of the contract, and other sanctions provided in sections 2 and 3 of the act, any breach or violation of any of the foregoing representations and stipulations shall render the party responsible therefor liable to the United States of America for liquidated damages in the sum of $10 per day for each male person under 16 years of age or each female person under 18 years of age, or each convict laborer knowingly employed in the performance of the contract, and a sum equal to the amount of any deductions, rebates, refunds, or underpayment of wages due to any employee engaged in the performance of the contract.

§ 201.3 *Determination of Qualifications.* Every bid received from a bidder who does not meet the qualifications of a manufacturer or a regular dealer, as those terms are defined in § 201.1 (c) and (d), shall be rejected by the contracting officer. The determination of the contracting officer as to qualification of a bidder shall be subject to review by the Administrator of the Public Contracts Division at the instance of the Administrator, the contracting officer or the bidder.

§ 201.4 *Administrative exceptions and exemptions.* In addition to the statutory exemptions specified in section 9 of the act, the following classes of contracts are excepted or exempted from the application of § 201.2, pursuant to section 6 of the act:

(a) Contracts for public utility services including electric light and power, water, steam, and gas;

(b) Contracts for materials, supplies, articles or equipment no part of which will be manufactured or furnished within the geographic limits of the continental United States, Alaska, Hawaii, Puerto Rico, the Virgin Islands, or the District of Columbia: *Provided*, That the representations and stipulations required by the act and these regulations in any contract for materials, supplies, articles, or equipment to be manufactured or furnished in part within and in part outside such geographic limits shall not be applicable to any work performed under the contract outside such geographic limits;

(c) Contracts awarded to sales agents or publisher representatives, for the delivery of newspapers, magazines or periodicals by the publishers thereof;

(d) Contracts for the production of training films.

§ 201.5 *Responsibility for breaches and violations of contract stipulations.* (a) Any person, corporate or individual, including but without limitation officers and agents of contract signatories, having actual or constructive knowledge that the Walsh-Healey Public Contracts Act stipulations are applicable, who causes or permits or fails to exercise his authority to prevent the employment of any person in violation or breach of such stipulations, shall be deemed to be a party responsible for such violations and breaches and shall be liable in liquidated damages and subject to the sanctions provided in the act.

(b) In all cases where a secondary contractor (1) produces or delivers all or some of the commodities called for by the contract or performs any operations on such commodities, or (2) supplies materials or parts to be used in the manufacture of the commodities called for by the Government contract, and such secondary contractor has actual or constructive knowledge that such commodities are to be used in the performance of a Government contract subject to the act, he shall be bound to observe the labor standards required by the contract and the act, and shall be liable for all acts or omissions on his part which result in the nonobservance of such labor standards, unless such secondary contractor is an auxiliary supplier as defined in paragraph (c) of this section.

(c) If it is the regular practice in the industry engaged in the manufacture of the commodities of the type called for by the Government contract for members of such industry to purchase certain materials or parts to be used in the production of such commodities rather than to manufacture them, or to have certain operations on the commodities performed by others, the vendor of such materials or parts, or the person performing such operations shall be deemed to be a subcontractor who is an auxiliary supplier and the work performed by him shall not be deemed to be within the coverage of the act.

(d) For the purposes of this section, the Administrator of the Public Contracts Division shall, as necessary, investigate the practices prevailing in the various industries with respect to specific commodities and shall issue determinations as to regular practices, which, when made, shall be conclusive.

(1) In making determinations of regular practice the Administrator shall give due regard to that practice which is followed in the production of 50 percent or more by volume and dollar value of total industry production of the same or similar commodities, and, where most of such production is concentrated in relatively few large producers, to the practice followed by the majority of producers of such commodities.

(2) Any employer who contemplates the performance of work subject to the act and the regulations in this part may submit to the Administrator by registered mail an inquiry, setting forth the contract or contract bid number, the commodity called for by the contract, the work to be performed by the secondary manufacturer or supplier, and his understanding of what the regular practice is in the industry with respect to the specific commodity involved. Within 15 days from the receipt of such inquiry, the Administrator shall notify the inquirer of any applicable determination which has been made as to the regular practice in the industry. If the Administrator has made no applicable determination, he shall endeavor to make one. If, however, he is unable to do so within 15 days from receipt of the inquiry he shall so advise the inquirer, and may authorize him to proceed, with reference to the specific contract or contracts, on the assumption that the inquirer's understanding as to regular practice is correct.

§ 201.6 *Integrated enterprise.* When a contractor to whom a contract subject to the act is awarded operates an integrated establishment or business enterprise which manufactures or produces materials or parts that are incorporated into or otherwise used in the manufacture or supply of the materials, supplies, articles, or equipment called for by the contract, the act is applicable to those of his employees engaged in the manufacture or production of the materials or parts to be so incorporated into or used in the manufacture, processing or furnishing of the ultimate product to be delivered to the Government, as well as to the employees engaged in the manufacture or processing of that ultimate product.

§ 201.7 *Employees affected.* The stipulations which the regulations contained in this part require to be inserted in all contracts subject to the act shall be deemed applicable to all employees (except employees of an auxiliary supplier, as defined in § 201.5 (c)) engaged in or connected with the manufacture or furnishing, including processing, fabricating, assembling, handling, or shipping, of the materials, supplies, articles, or equipment required under the contract, or to be incorporated into or otherwise used in the manufacture or furnishing of the commodities required under the contract. The stipulations shall not be deemed applicable to employees performing only office or custodial work, nor to any employee employed in a bona fide executive, administrative, or professional capacity, as those terms are defined and delimited for the purposes of section 13 (a) (1) of the Fair Labor Standards Act as amended (29 CFR Part 541).

§ 201.8 *Overtime.* (a) Employees engaged in the performance of a contract subject to the act and the regulations may be employed in excess of 8 hours in any one day, and in excess of 40 hours in any one week, provided, such employees shall be paid overtime compensation for the hours in excess of 8 in a day or 40 in a week (whichever excess is greater) at a rate of not less than one and one-half times the basic hourly rate at which the employee is employed.

(b) Whenever an employee works on a Government contract subject to the act for any part of a day in a given workweek (after his employer has commenced and before the employer has completed work on the contract), he shall be paid not less than one and one-half times his basic rate of pay for all hours worked in excess of 8 on any day or days in such workweek or in excess of 40 in that week, whichever is greater.

(c) The overtime pay requirements of this section shall be deemed to be complied with in the case of any employee employed pursuant to the provisions of paragraphs 1 or 2 of subsection (b) of section 7 of the Fair Labor Standards Act of 1938, as amended.

§ 201.9 *Protection against unintentional employment of underage minors.* An employer shall not be deemed to have knowingly employed an underage minor in the performance of any contract subject to the act if, during the period of the employment of such minor, the employer has on file an unexpired certificate of age issued and held pursuant to regulations issued by the Secretary of Labor under section 3 (l) of the Fair Labor Standards Act of 1938, as amended (29 CFR Part 401), showing that such minor is at least 16 years of age, if a male, or at least 18 years of age, if a female.

§ 201.10 *Records of employment.* (a) Every employer subject to the provisions of the act and regulations shall maintain, preserve and make available for inspection and transcription by authorized representatives of the Secretary of Labor, the following records:

(1) Date upon which work under each Government contract was begun and the date work under such contract was completed in his establishment.

(2) Names, address, sex, and occupation of each of his employees covered by the contract stipulation.

(3) Date of birth of each of his employees under 19 years of age; and if the employer has obtained a certificate of age, as provided in § 201.9, there shall also be recorded the title and address of the office issuing such certificate, the number of the certificate, if any, the date of its issuance, and the name and address and date of birth of the minor, as the same appears on the certificate of age. This requirement will be satisfied by keeping the age certificate itself, but if the age certificate is returned to the issuing office or to the employee, then a record of the information must be made.

(4) Wage and hour records for each of his employees covered by the contract stipulations, which records shall contain the following information:

(i) The day and hour on which the workweek begins.

(ii) The hours worked each day and each week.

(iii) The rates of wages and the amount paid each pay period, including all addition to or deductions from wages for that period.

(iv) The basic hourly rate upon which overtime compensation is computed and paid.

(v) The period or periods during which each such employee was engaged in the performance of a contract subject to the act and regulations, with the number of such contract.

(5) Injury frequency rates calculated quarterly on a calendar basis commencing on the first day of January of each year. The injury frequency rate shall be the number of disabling injuries to all employees per 1,000,000 man-hours of exposure, obtained by multiplying the total number of disabling injuries by 1,000,000 and dividing that sum by the total man-hours of exposure. For the purpose of this subparagraph;

(i) "Disabling injury" is one which causes disability to any employee extending beyond the day or shift during which the injury occurred,

(ii) "Total man-hours of exposure" shall be the total man-hours actually worked by all employees during the quarter,

(iii) "Employee" shall mean all employees in any department of the factory or establishment, including protection, maintenance, transportation, clerical, office and sales, regardless of whether such employees are engaged in the performance of a contract subject to this act.

(b) Where the records required by paragraph (a) (4) (v) of this section are not maintained, preserved and made available for inspection it shall be presumed until affirmative proof is presented to the contrary, that all employees in any plant where the contract or any part thereof is performed were engaged in the performance of such Government contract and in work subject to the stipulations required by the act and regulations from the date of award of any such contract until the date of final delivery of the materials, supplies, articles or equipment, specified therein.

(c) The records required to be maintained by this section shall be kept on file for at least 3 years from the time of completion of the contract.

§ 201.11 *Tolerance for handicapped workers.* (a) Workers whose earning capacity is impaired by age or physical or mental deficiency or injury may be employed either by commercial establishments or as handicapped clients of sheltered workshops at wages lower than the prevailing minimum wages applicable under section 1 (b) of the Public Contracts Act upon the same terms and conditions as are prescribed for the employment of handicapped persons and of handicapped clients of sheltered workshops under section 14 of the Fair Labor Standards Act of 1938, as amended, and by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor issued thereunder (29 CFR Parts 524, 525).

(b) Any certificate issued pursuant to such regulations, authorizing the employment of a handicapped worker under the Fair Labor Standards Act shall constitute authorization for the employment of that worker under the Public Contracts Act in accordance with the terms of the certificate.

(c) The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

§ 201.12 *Reports of contracts awarded.* Whenever a contract is awarded which is required to contain the representations and stipulations set forth in § 201.2, the contracting officer shall furnish the Public Contracts Division, on a form provided for this purpose, the information called for by such form.

§ 201.13 *Additional labor standards.* Nothing in the regulations contained in this part shall be construed as impairing the authority of any contracting agency to require a contractor to observe labor standards in addition to those required by the act; nor as impairing the authority of such contracting agency to prescribe labor standards in contracts not subject to the act.

§ 201.14 *Effective date.* The regulations contained in this part shall become effective July 1, 1952 and shall apply to all contracts awarded as a result of invitations issued or negotiations commenced on or after that date. All regulations, and amendments thereof, promulgated prior to the effective date hereof are hereby revoked: *Provided, however,* That such regulations shall remain effective and be applicable to all contracts awarded as a result of invitations issued or negotiations commenced prior to July 1, 1952.

Dated at Washington, D. C., this 29th day of February 1952.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 52-2721; Filed, Mar. 7, 1952; 8:48 a. m.]

Wage and Hour Division

[29 CFR Part 523]

SUBMINIMUM WAGE RATES FOR MESSENGERS IN CABLE AND RADIOTELEPHONE DIVISION OF THE COMMUNICATIONS, UTILITIES AND MISCELLANEOUS TRANSPORTATION INDUSTRIES IN PUERTO RICO

NOTICE OF HEARING

All America Cables and Radio, Incorporated and RCA Communications, Inc., have made application for permission to employ messengers engaged primarily in delivering letters and messages, at a wage of 60 cents an hour, which wage is lower than the minimum wage for the Cable and Radiotelephone Division of the Communications, Utilities, and Miscellaneous Transportation Industries in Puerto Rico as provided in the revised wage order for those Industries published in the FEDERAL REGISTER of February 8, 1952 (17 F. R. 1208), to become effective May 5, 1952.

Therefore, pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068 as amended; 29 U. S. C. 214) and the regulations governing employment of messengers (29 CFR Part 523), notice is hereby given of a public hearing to be held in Room 309, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, to commence at 10:00 a. m. on March 18, 1952, before an authorized representative of the Administrator, at which evidence and testimony will be received on the following questions:

(1) Is it necessary, in order to prevent curtailment of opportunities for employment, to provide by regulations or orders for the employment in the Cable and Radiotelephone Division of the Commu-

nications, Utilities, and Miscellaneous Transportation Industries in Puerto Rico of messengers, employed primarily in delivering letters and messages, under special certificates, at wages lower than the minimum wage applicable under the wage order for said industry; and (2) if such necessity is found to exist, under what limitations as to wages, time, number, proportion and length of service may special certificates be issued authorizing the employment of such messengers at subminimum wage rates?

Following the hearing, the presiding officer shall file with the Administrator a complete record of the proceedings together with findings of fact and recommendations thereon.

Any interested person may appear at the hearing to offer evidence provided that such person shall file with James G. Johnson, Territorial Director of the Wage and Hour Division, Post Office Box 9061, Santurce 29, Puerto Rico, not later than March 17, 1952 a notice of intention to appear containing the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing.

3. A statement whether the appearance is in support of or in opposition to the application.

Written statements in lieu of personal appearance may be mailed to the Territorial Director of the Wage and Hour Division at the address above indicated at any time prior to the date of the hearing or may be filed with the presiding officer at the hearing.

Signed at Washington, D. C., this 5th day of March 1952.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 52-2720; Filed, Mar. 7, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52942]

COAL, COKE, AND BRIQUETS IMPORTED FROM CERTAIN COUNTRIES

TAXABLE STATUS

MARCH 4, 1952.

Coal, coke made from coal, and coal or coke briquets imported from the following countries and entered for consumption or withdrawn from warehouse for consumption during the period from January 1 to December 31, 1952, inclusive, will not be subject to the tax of 10 cents per 100 pounds prescribed in the Internal Revenue Code, section 3423:

Brazil, Canada, France, Germany, Jamaica, Mexico, Netherlands, Peru, United Kingdom.

Certain countries from which there have been on importations of coal or allied fuels since January 1, 1950, are not included in the above list. Further information concerning the taxable status of coal or allied fuels imported during the calendar year 1952 from countries not listed above will be furnished upon application therefor to the Bureau.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-2736; Filed, Mar. 7, 1952; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 60975; 62596]

ARIZONA

RESTORATION ORDER NO. 1307 UNDER THE FEDERAL POWER ACT, RESTORING TO HOMESTEAD ENTRY LANDS WITHIN THE TONTO NATIONAL FOREST RELEASED FROM RECLAMATION WITHDRAWALS

MARCH 4, 1952.

Pursuant to the determination of the Federal Power Commission (DA-106, Arizona), and in accordance with Departmental Order No. 2583 section 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

1. The order of the Commissioner of Reclamation of April 18, 1944, approved by the Assistant Secretary of the Interior on May 22, 1944, as amended effective April 26, 1951, having revoked existing first and second form reclamation withdrawals so far as they affected the following-described public lands within the Tonto National Forest; and the Department of Agriculture having requested the restoration of such lands to homestead settlement and entry, the said lands are hereby opened to homestead settlement and entry in accordance with the provisions of the act of June 11, 1906 (34 Stat. 233; 16 U. S. C. 506-509), as amended, and the regulations thereunder in 43 CFR Part 170, on the dates and in the manner hereinafter provided, subject to valid existing rights and subject also to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

List No.	Applicant	Land
3-4710	Jose S. Chaves...	Gila and Salt River Meridian, T. 3 N., R. 7 E., sec. 34, lots 3 and 7; sec. 35, lot 3. The areas described aggregate 102.94 acres.

2. Beginning at 10:00 a. m. on the 63d day after the date of this order, the person named, on whose application the lands were listed, will be accorded a preference right for 60 days within which to file application for the lands under the said act of June 11, 1906.

3. For a period of 91 days beginning at 10:00 a. m. on the 124th day after the date of this order, the lands, if remaining unentered, will be subject to application by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

4. The lands, if remaining unentered at the expiration of the 91-day preference-right period provided in paragraph 3, will, on the following business day, become subject to the filing of applications under the provisions of said act of June 11, 1906, by any qualified person.

5. Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Phoenix, Arizona.

WILLIAM ZIMMERMAN, Jr.,
Acting Director.

[F. R. Doc. 52-2691; Filed, Mar. 7, 1952; 8:45 a. m.]

[2101377]

MINNESOTA

NOTICE OF FILING OF PLAT OF SURVEY

MARCH 4, 1952.

Notice is given that the plat of original survey of the following described lands, accepted January 16, 1950, will be officially filed in the Bureau of Land Management effective at 10:00 a. m. on the 35th day after the date of this notice:

FIFTH PRINCIPAL MERIDIAN, MINNESOTA

T. 148 N., R. 25 W.,
Sec. 13, lot 9 (Island in Big-Too-Much Lake)

The area described is 0.61 acres.

Lot 9, sec. 13, is an island in Big-Too-Much Lake and available information indicates that the land extends to an elevation of about 4 feet above the lake level having a humus topsoil and clay subsoil supporting a mixed stand of timber ranging up to 16 inches in diameter and that approximately one-fourth of the land on the southwest side is swamp.

The above-described land was added to and made a part of the Chippewa National Forest by Proclamation No. 2216 of December 29, 1936.

Anyone having a valid settlement or right to this land initiated prior to the date of the withdrawal of the land should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public land law setting forth all facts relevant thereto.

All inquiries relating to this land should be addressed to the Regional Administrator, Region VI, Bureau of Land Management, Washington, D. C.

H. S. PRICE,
Regional Administrator, Region VI.

[F. R. Doc. 52-2694; Filed, Mar. 7, 1952; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region II, Delegation of Authority 55]

REGIONAL DIRECTOR, REGION II

DELEGATION OF AUTHORITY TO ACCEPT, DISAPPROVE OR MODIFY CEILING PRICES PURSUANT TO SECTION 3 (C) OF SUPPLEMENTARY REGULATION 13 TO CPR 34

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 (64 Stat. 812), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this delegation of authority is hereby issued.

1. *Authority to act under section 3 (c) of Supplementary Regulation 13 to Ceiling Price Regulation 34.* Authority is hereby delegated to the Director of the Regional Office of Region II to receive filings of OPS Public Form No. 131 and to accept, disapprove or modify ceiling prices in accordance with the provisions of section 3 (c) of Supplementary Regulation 13 to Ceiling Price Regulation 34.

2. *Authority to Redelegate.* The authority herein delegated may be redelegated to the Director of the New York District Office of the Office of Price Stabilization.

This delegation of authority shall take effect on March 12, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 7, 1952.

[F. R. Doc. 52-2838; Filed, Mar. 7, 1952; 11:39 a. m.]

DEFENSE MATERIALS PROCUREMENT AGENCY

[Delegation 7]

SECRETARY OF AGRICULTURE

DELEGATION OF AUTHORITY TO PURCHASE AND MAKE COMMITMENTS TO PURCHASE KENAF AND SANSEVIERIA

1. Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., and Pub. Laws 69 and 96, 82d Cong.), Executive Orders 10161 of September 9, 1950 (15 F. R. 6105), and 10200 of January 3, 1951 (16 F. R. 61), as amended, and Executive Order 10281 of August 28, 1951 (16 F. R. 8789), there is hereby delegated to the Secretary of Agriculture the function, included in the functions delegated to the Defense Materials Procurement Administrator by section 303 of Executive Order 10161, as amended, to purchase and make commitments to purchase kenaf and sansevieria.

2. The function delegated hereby shall be carried out in accordance with programs certified under section 307 of Executive Order 10161, as amended, and also in accordance with such policies as may be established and such directives as may be issued by the Defense Materials Procurement Administrator.

3. The Secretary of Agriculture shall furnish to the Defense Materials Procurement Administrator, at such times as he may request, reports of the action taken on and the status of all matters for which the Secretary of Agriculture is responsible under this delegation.

4. To the extent that the "Delegation of Authority to Certain Officers and Agencies under Defense Production Act of 1950, as amended," issued by the Defense Materials Procurement Administrator on September 14, 1951 (16 F. R. 9446), delegates the functions set forth in section 303 of Executive Order 10161, as amended, to purchase and make commitments to purchase agricultural commodities other than food, such delegation is hereby superseded.

5. The function herein delegated may be redelegated with or without authority for further redelegation.

This delegation shall take effect March 1, 1952.

Dated: March 4, 1952.

JESS LARSON,
Defense Materials Procurement Administrator.

[F. R. Doc. 52-2789; Filed, Mar. 7, 1952; 11:12 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

MARCH DOMESTIC AND EXPORT PRICE LIST

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

MARCH DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Dried whole eggs, 1950 pack (packed in barrels and drums) in carload lots only, 1,000,000 pounds.	$1.03 per pound "in store" at location of stock in Illinois, Indiana, Iowa, Michigan, Ohio, Oklahoma, Kansas, Wisconsin, Missouri, Nebraska, and Minnesota ("in store" means in storage at warehouse, but with any prepaid storage and outhandling charges for the benefit of the buyer.)
Nonfat dry milk solids, 1951 production, in carload lots only, 20,000,000 pounds.	Spray process—sales price will be announced following announcement of 1952 support prices.
Linseed oil, raw, 200,000,000 pounds.	Market price on date of sale. (See note on Ceiling Price Certification on the last page of this price list.)
Cottonseed oil, refined, bulk, 30,000,000 pounds.	Market price or 17¾ cents per pound, whichever is higher, f.o.b. tank cars at points of storage location.
Dry edible beans	On all beans, for areas other than those shown below, adjust prices upward or downward by an amount equal to the price support program differential between areas. Where no price support differential occurs, the price listed will apply. For other grades of all beans, adjust by market differentials. Prices listed below, on all beans, are at point of production. Amount of paid-in freight to be added, as applicable.
Pinto, bagged, 780,000 hundredweight.	No. 1 grade, 1949 crop: $7.99 per 100 pounds, basis f. o. b. Denver rate area; $7.59 per 100 pounds, basis f. o. b. Idaho area.
Pea, bagged, 295,000 hundredweight.	No. 1 grade 1948,[1] 1949,[1] and 1950 crops: $8.68 per 100 pounds, basis f. o. b. Michigan area.
Red Kidney, bagged 358,000 hundredweight.[1]	No. 1 grade 1948 [1] and 1949 [1] crops: $10.12 per 100 pounds, basis f. o. b. New York area.
Great Northern, bagged, 785,000 hundredweight.	No. 1 grade 1948,[1] 1949, and 1950 crops: $8.00 per 100 pounds, basis f. o. b. Twin Falls, Idaho, area; $8.37 per 100 pounds basis f. o. b. Morrill, Nebr., area.
Baby lima, bagged, 490,000 hundredweight.[1]	No. 1 grade 1949 [1] crop: $7.18 per 100 pounds, basis f. o. b. California area.
Cranberry beans, bagged, 36,000 hundredweight.	No. 1 grade 1949 crop: $9.42 per 100 pounds, basis f. o. b. Michigan area.
Austrian winter pea seed, bagged, 2,230,000 hundredweight.	$4.50 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Austrian winter peas, bagged, not certified for purity or germination, 1,743,000 hundredweight.[1]	In Portland, Oreg., area only: The domestic market price for feed but not less than $3.50 per 100 pounds, f. o. b. point of storage, plus paid-in freight, as applicable. Purchaser must certify that commodity will be used for feed purposes only.
Blue Lupine seed, bagged, 1,131,000 hundredweight.	$5 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Common and Williamette vetch seed, bagged, 130,300 hundredweight.	$7 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Red clover seed (uncertified), bagged, 27,500 hundredweight.	$38.33 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Wheat, bulk, 25,000,000 bushels	Basis in store, the market price but in no event less than the applicable 1951 loan rate for the class, grade, quality, and location, plus: (1) 32 cents per bushel if received by truck, or (2) 27 cents per bushel if received by rail or barge. Examples of minimum prices, per bushel: Kansas City, No. 1 HW, ex rail or barge, $2.72; Minneapolis, No. 1 DNS, ex rail or barge, $2.74; Chicago, No. 1 RW, ex rail or barge, $2.77. NOTE: No wheat will be for sale in the Portland, Oreg., area until further notice
Oats, bulk, 5,500,000 bushels	At points of production, basis in store, the market price but not less than the applicable 1951 county loan rate plus: (1) 15 cents per bushel, if received by truck; or (2) 14 cents per bushel, if received by rail or barge; at other points, the foregoing plus average paid-in freight. Examples of minimum prices, per bushel: Chicago, No. 3 or better, ex rail or barge, 98 cents; Minneapolis, No. 3 or better, ex rail or barge, 94 cents.
Barley, bulk, 10,000,000 bushels	Basis in store, the market price but in no event less than the applicable 1951 loan rate for the class, grade, quality and location, plus: (1) 22 cents per bushel if received by truck, or (2) 18 cents per bushel if received by rail or barge. Examples of minimum prices per bushel: Minneapolis, No. 1 barley, ex rail or barge, $1.50; San Francisco, No. 1 Western barley, ex rail or barge, $1.55.

[1] These same lots also are available at export sales prices announced today.

MARCH DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Corn, bulk, 50,000,000 bushels	At points of production, basis in store, the market price but not less than the applicable 1951 county loan rate for No. 3 yellow plus: (1) 21 cents per bushel, if received by truck; or (2) 18 cents per bushel, if received by rail or barge; at other locations, the foregoing plus average paid-in freight. Examples of minimum prices per bushel: Chicago, No. 3 yellow, $1.93; St. Louis, No. 3 yellow, $1.95; Minneapolis, No. 3 yellow, $1.84; Omaha, No. 3 yellow, $1.86; Kansas City, No. 3 yellow, $1.91; for other classes, grades, and quality, market differentials will apply.
Flaxseed, bulk, 227,000 bushels	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.

Ceiling Price Certification. Any purchaser from CCC of nonfat dry milk solids, or raw linseed oil, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

MARCH EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export price list
Dry edible beans	No. 1 grade delivered on track present location, on basis costs and freight paid to f. a. s. vessel at locations shown below.
Pea, bagged, 1948 and 1949 crops, 284,000 hundredweight.[1] [2]	For export to Western Hemisphere countries, $6.50 per 100 pounds, East Coast ports; for export to other than Western Hemisphere countries, $5.50 per 100 pounds, East Coast ports.
Great Northern, bagged, 1948 crop, 313,000 hundredweight.[1] [2]	$6.50 per 100 pounds, Portland, Oreg. (13,000 hundredweight only stored at The Dalles, Oreg.); $6.60 per 100 pounds, U. S. Gulf ports (see note below)
Baby lima, bagged, 1949 crop, 490,000 hundredweight.[1]	$5 per 100 pounds, San Francisco Bay area.
Red Kidney, bagged, 1948 and 1949 crops, 358,000 hundredweight.[1] [2]	$5.50 per 100 pounds, New York City. NOTE: "U. S. Gulf ports" means ports with freight rates not greater than to New Orleans. Any excess freight will be for account of the buyer. Discounts for grades on all beans: No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1; appropriate discounts will also be given for "off-color" beans. At CCC's option, 1949 crop beans may be furnished in place of 1948 beans in instances where stocks of 1948 beans of the type and grade desired are exhausted.
Austrian winter peas, bagged, not certified for purity or germination, 1,743,000 hundredweight.[1]	In Portland, Oreg., area only: The domestic market price for feed but not less than $3.50 per 100 pounds, f. o. b. point of storage plus paid-in freight, as applicable.
Wheat, bulk, 25,000,000 bushels	Market price on date of sale, at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.

[1] These same lots are available at domestic sales prices announced today.

[2] *Ceiling Price Certification.* Any purchaser from CCC of Red Kidney beans or Great Northern beans for export, or of Pea beans for export to Western Hemisphere countries, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

(Pub. Law 439, 81st Cong.)

Issued March 5, 1952.

[SEAL] G. F. GEISSLER,
President, Commodity Credit Corporation.

[F. R. Doc. 52-2737; Filed, Mar. 7, 1952; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2077]

CONNECTICUT RIVER POWER CO.

NOTICE OF ORDER ISSUING LICENSE (MAJOR)

MARCH 4, 1952.

Notice is hereby given that on January 25, 1952, the Federal Power Commission issued its order entered January 22, 1952, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-2714; Filed, Mar. 7, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26863]

WALLBOARD FROM EL PASO AND PRESIDIO, TEX., TO POINTS IN ILLINOIS AND MISSOURI

APPLICATION FOR RELIEF

MARCH 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3843.

Commodities involved: Wallboard, carloads.

From: El Paso and Presidio, Tex. (applicable on traffic originating in Mexico).

To: Cairo and East St. Louis, Ill., St. Louis, Boonville, and Sedalia, Mo.

Grounds for relief: Rail competition, circuity, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; F. C. Kratzmeir's tariff I. C. C. No. 3843, Supp. 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-2703; Filed, Mar. 7, 1952; 8:46 a. m.]

[4th Sec. Application 26864]

GRAIN FROM POINTS IN ILLINOIS TO POINTS IN LOUISIANA AND TEXAS

APPLICATION FOR RELIEF

MARCH 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Gulf, Mobile and Ohio Railroad Company and Texas and New Orleans Railroad Company.

Commodities involved: Grain, grain products, seeds, and related articles, carloads.

From: Points in Illinois.

To: Points in Louisiana and Texas.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3940, Supp. 17; F. C. Kratzmeir's tariff I. C. C. No. 3941, Supp. 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-2704; Filed, Mar. 7, 1952; 8:46 a. m.]

[4th Sec. Application 26865]

PROPYL ALDEHYDE FROM BROWNSVILLE AND BISHOP, TEX., TO POINTS IN WESTERN TRUNK-LINE, OFFICIAL, AND SOUTHERN TERRITORIES

APPLICATION FOR RELIEF

MARCH 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3967.

Commodities involved: Propyl aldehyde, carloads.

From: Brownsville, Tex., to destinations in western trunk-line, official, and southern territories, and from Bishop, Tex., to Kernersville, N. C., and Pensacola, Fla.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3967, Supp. 85.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2705; Filed, Mar. 7, 1952; 8:46 a. m.]

[4th Sec. Application 26866]

MOTOR-RAIL CLASS AND COMMODITY RATES BETWEEN POINTS IN WESTERN AND EASTERN TERRITORIES

APPLICATION FOR RELIEF

MARCH 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Rocky Mountain Motor Tariff Bureau, Inc., Agent, for The Texas and Pacific Railway Company and other rail and motor carriers.

Commodities involved: Classes and commodities.

Between: Points in western territory and points in eastern territory, as described in the schedules listed below.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates; Rocky Mountain Motor Tariff Bureau, Inc., Agent, tariffs I. C. C. Nos. 30, 31, 50, 54, 56, 60, and 65.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2706; Filed, Mar. 7, 1952; 8:46 a. m.]

[4th Sec. Application 26867]

HAY FROM KANSAS AND OKLAHOMA TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3703.

Commodities involved: Hay, carloads.

From: Points in Kansas and Oklahoma.

To: Destinations in southern territory, including adjacent points.

Grounds for relief: Rail competition, circuity, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3703, Supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-2707; Filed, Mar. 7, 1952; 8:47 a. m.]

OFFICE OF DEFENSE MOBILIZATION

TEXTILE INDUSTRY

NOTICE OF HEARING BEFORE SURPLUS MANPOWER COMMITTEE

Pursuant to section 8 of Defense Manpower Policy No. 4 (17 F. R. 1195), relating to placement of procurement in areas of current or imminent labor surplus, notice is hereby given of a public hearing to be held before a panel of the Surplus Manpower Committee in Room 159, Executive Office Building, Washington, D. C., beginning at 9:30 a. m., e. s. t., March 20, 1952.

The purpose of the hearing is to receive evidence with respect to:

1. The nature and extent of the labor surplus in the textile industry, including the availability of skills necessary to the fulfillment of Government contracts and purchases, and the need for preserving these skills in the public interest.

2. The nature and extent of the facilities in the textile industry, including their suitability and availability for the fulfillment of Government contracts and purchases, and the need for maintaining these facilities in the public interest.

3. Whether it is in the public interest that insofar as it affects the textile industry, Defense Manpower Policy No. 4 should be applied to the textile industry as a whole in order to achieve a greater utilization of the manpower skills and facilities of the entire industry than is currently the case.

4. Appropriate methods of applying the policy to the textile industry in the event an affirmative finding is made under paragraph three above.

Interested persons may submit statements in writing and may appear and present evidence and oral argument at the hearing, and at the close of the hearing may file briefs with the panel. Upon completion of the hearing the panel will make findings and conclusions and submit its recommendations to the Surplus Manpower Committee.

Persons wishing to be heard or to submit statements or briefs, must notify the Secretary of the Surplus Manpower Committee, Room 106, Executive Office Building, Washington 25, D. C., not later than March 18, 1952. Copies of Defense Manpower Policy No. 4 may be obtained

from the Secretary of the Surplus Manpower Committee.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

[F. R. Doc. 52-2738; Filed, Mar. 7, 1952; 8:50 a. m.]

[CDHA 42]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

MARCH 7, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Del Rio, Texas, Area. (The area consists of Justice precinct 1 in Val Verde County, Texas.)

Cobalt, Idaho, Area. (The area consists of the Election Precinct of Forney including the Town of Cobalt in Lemhi County, Idaho.)

Newport, Rhode Island, Area. (The area consists of the City of Newport and the Towns of Middletown, Portsmouth and Tiverton all in Newport County.)

Oscoda, Michigan, Area. (The area consists of the Townships of Au Sable and Oscoda in Iosco County all in the State of Michigan.)

Indian Head, Maryland, Area. (The area consists of Charles County, Maryland.)

Gary-Hammond-East Chicago, Indiana. (The area consists of all of Lake County, Indiana, except the Townships of Cedar Creek, Eagle Creek and West Creek.)

Lawrence-Olathe, Kansas, Area. (The area consists of Douglas County, Kansas, including the Cities of Baldwin, Eudora and Lawrence; the Townships of Olathe, Monticello, Spring Hill, Gardner, McCamish and Lexington, including the Cities of DeSoto, Edgerton, Gardner, Olathe and Spring Hill, all in Johnson County, and the City of Bonner Springs, and Delaware Township, including the City of Edwardsville in Wyandotte County; all in the State of Kansas.)

C. E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-2821; Filed, Mar. 7, 1952; 11:14 a. m.]

RENEGOTIATION BOARD

REGIONAL BOARDS

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS, POWERS AND DUTIES

The delegation of authority published in the issue of February 13, 1952 (F. R. Doc. 52-1777; 17 F. R. 1401) is hereby amended by deleting section 3 (d) and inserting in lieu thereof the following:

(d) Subject to such review as may be prescribed by the Board by regulations, to cancel assignments and to issue clearances, enter into refund agreements, or issue unilateral orders embodying determinations of excessive profits made by such Regional Board in cases designated by the Board as Class B cases.

Dated: March 5, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-2753; Filed, Mar. 7, 1952; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2793]

OHIO EDISON CO.

ORDER PERMITTING ISSUANCE AND SALE OF PREFERRED STOCK AT COMPETITIVE BIDDING

MARCH 4, 1952.

Ohio Edison Company ("Ohio"), a registered holding company and a public utility company, has filed a declaration, with amendments thereto, pursuant to sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder, with respect to the following proposed transaction:

Ohio proposes to issue and sell 150,000 shares of a new series of $100 par value preferred stock at competitive bidding pursuant to Rule U-50. The dividend rate and the price per share to be paid the company are to be determined by the competitive bidding. The price to be paid shall not be less than $100 nor more than $102.75 per share.

The declaration states that during the year 1952 the company contemplates expenditures for the construction of property additions aggregating approximately $40,600,000 and that the proceeds from the sale of the preferred stock will assist in providing needed funds for the construction program.

Ohio requests that the 10 day period for the public invitation of bids, provided by Rule U-50 (b), be shortened to a period of not less than 6 days, and that the order of the Commission to be entered herein become effective forthwith upon issuance.

Said declaration, with amendments thereto, having been filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said declaration, as amended, be permitted to become effective, forthwith, and that the request of the declarant to shorten the period for the public invitation of bids, be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the further condition that the proposed issuance and sale of preferred stock shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record herein and a further order shall have been entered with respect thereto, which order shall contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved.

It is further ordered, That the 10-day period prescribed by Rule U-50, for the public invitation of bids for the preferred stock be, and the same hereby is, shortened to a period of 6 days.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all fees and expenses to be incurred in connection with the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-2717; Filed, Mar. 7, 1952; 8:48 a. am.]

[File No. 70-2795]

CENTRAL POWER AND LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

MARCH 4, 1952.

Central Power and Light Company ("Central"), a subsidiary of Central and South West Corporation, a registered holding company, having filed a declaration, and amendments thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transaction:

Central proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of First Mortgage Bonds, Series D, due March 1, 1982. The interest rate to be borne by the bonds, the redemption premiums applicable to the bonds, and the price at which the bonds will be issued and sold by Central will be determined through competitive

bidding. The bonds will be issued under an indenture dated November 1, 1943, between Central and the First National Bank of Chicago and Robert L. Grinnell, as Trustees, as modified by indentures supplemental thereto and by a supplemental indenture to be dated March 1, 1952, between the First National Bank of Chicago and Coll Gillies, as Trustees. The proceeds from the sale of the new bonds will be used to pay for a part of Central's construction program for the period January 1, 1952, to December 31, 1953, estimated to cost approximately $34,000,000. Central has requested that the Commission shorten the ten-day period for inviting bids pursuant to Rule U-50 to six days. Fees and expenses to be incurred by Central in connection with the proposed transaction are estimated at $42,000, including the amounts of $6,000 payable to Middle West Service Company, $5,280 payable to the Trustees, and $7,500 for printing. The fees of independent counsel for the underwriters are stated to be $6,000 payable to Isham, Lincoln & Beale, Chicago, Illinois, and will be paid by the successful bidder.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of bonds shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That the ten-day period for inviting sealed bids pursuant to Rule U-50 with respect to said bonds be, and hereby is, shortened to six days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2719; Filed, Mar. 7, 1952; 8:48 a. m.]

[File No. 70-2797]

GULF POWER CO.

NOTICE OF FILING FOR PERMISSION TO ISSUE AND SELL SHORT TERM BANK LOAN NOTES

MARCH 4, 1952.

Notice is hereby given that a declaration and amendments thereto have been filed with this Commission by Gulf Power Company ("Gulf Power"), a public utility subsidiary of the Southern Company, a registered holding company. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions, which are summarized as follows:

Gulf Power proposes to issue and sell an additional $3,000,000 of short term bank loan notes. The notes will mature not later than nine months from the date of issuance and will bear interest at the rate prevailing when they are issued. The filing states that the proceeds of the notes will be used for construction purposes. Gulf Power states that it intends to retire the notes prior to their maturity out of the proceeds from the contemplated sale of an estimated $7,000,000 principal amount of bonds and 92,000 shares of additional common stock.

It is represented that no other Federal or State commission has jurisdiction over the proposed transactions, and that the fees and expenses to be incurred in connection therewith will be approximately $500, including counsel fees of $250. The declarant requests that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than March 17, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 17, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-2718; Filed, Mar. 7, 1952; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18788]

GERHARD BOEHM

In re: Bonds owned by Gerhard Boehm. F-28-23849.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Gerhard Boehm, whose last known address is Rauschenberg Bez Kassel, Hessen Nassau, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations matured or unmatured, evidenced by Two (2) Missouri, Kansas & Texas Railway Company First Mortgage 4 percent bonds, due 1990, bearing the numbers 35239 and 43672, each of $500.00 face value, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in and under said bonds,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gerhard Boehm, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-2722; Filed, Mar. 7, 1952; 8:49 a. m.]

[Vesting Order 18789]

KISAKU HASHIMOTO ET AL.

In re: Securities owned by Kisaku Hashimoto, and others. D-66-2481-D-1, F-39-6511-D-1, F-39-6512-D-1, F-39-6513-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kisaku Hashimoto, whose last known address is Hamadera Park, Osaka, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That Tsuru Wakimoto and Geo. T. Wakimoto, each of whose last known address is 366 Kashirakawa, Yamagatoken, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

3. That the property described as follows: Three Hundred Thirty-One (331) shares of $10.00 par value common stock of The Consolidated Mines Company, P. O. Box 2520, Reno, Nevada, a corporation organized under the laws of the State of Wyoming, evidenced by the certificates listed below, registered in the names of the persons listed below and in the amounts opposite each such name as follows:

Registered owner	Certificate No.	Number of shares
Kisaku Hashimoto	N024981	1
Tsuru Wakimoto	N02915	30
Geo. T. Wakimoto	N16588	100
	N012203	50
	G6918	100
	G01433	50

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kisaku Hashimoto, Tsuru Wakimoto and Geo. T. Wakimoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-2723; Filed, Mar. 7, 1952; 8:49 a. m.]

[Vesting Order 18790]

ANNA KETTENBURG

In re: Stock owned by and debt owing to Anna Kettenburg. F-28-25220-D-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Anna Kettenburg, whose last known address is (23) Bretel Nr 4, Post Wittorf, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Carthage Marble Corporation Subordinate First Mortgage 5 Percent Income Bond, due July 1, 1951, of $125.00 face value, bearing the number 358, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and any and all rights in and under said bond, and

b. All rights and interests evidenced by a Voting Trust Certificate for twenty (20) shares of $1.00 par value common stock of Carthage Marble Corporation, said certificate numbered 358,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Kettenburg, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-2724; Filed, Mar. 7, 1952; 8:49 a. m.]

[Vesting Order 18791]

GISELLA VON NEGENBORN

In re: Debt owing to Gisella von Negenborn. F-28-31813-C-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Gisella von Negenborn, whose last known address is Potsdam, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bank of New York and Fifth Avenue Bank, 48 Wall Street, New York 5, New York, in the amount of $4,340.00, as of January 31, 1952, representing funds held by said Bank as depository of funds of Moscow Fire Insurance Co. and awarded said Gisella von Negenborn under supplemental judgment of the Supreme Court, New York County, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gisella von Negenborn, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-2725; Filed, Mar. 7, 1952; 8:49 a. m.]

[Vesting Order 18118, Amdt.]

HAMBURGER & CO.'S BANKIERSKANTOOR N. V.

In re: Stock registered in the name of Hamburger & Co.'s Bankierskantoor N. V., Amsterdam, The Netherlands and owned by persons whose names are unknown. F-28-28215-A-1.

Vesting Order 18118, dated July 2, 1951, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached thereto and by reference made a part thereof, the number "18776" and the numbers "18778/80" set forth with regard to 10 share certificates of The United States Leather Company common stock, and substituting therefor respectively the number "18276" and the numbers "18278/80".

All other provisions of said Vesting Order 18118 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 3, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-2731; Filed, Mar. 7, 1952; 8:49 a. m.]

[Vesting Order 18792]

JOSEPH SCHMITTER ET AL.

In re: Securities owned by Joseph Schmitter and others. D-66-2481-D-1; F-28-30352-D-1; F-28-30355-D-1; F-28-30356-D-1; F-28-30357-D-1; F-28-30358-D-1; F-28-30359-D-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Joseph Schmitter, whose last known address is Erstein Elsass, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That B. Stern, Jr., whose last known address is 5 Augustiner Platz, Cologne, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

3. That Hermann Sichel, whose last known address is 96 Kaiserstrasse, Mainz, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

4. That Carl Behrends, whose last known address is 61 Blumenan Hamburg, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

5. That Fritz Ludovici, whose last known address is 27 Parkstrasse, Kassel Hessen Nassau, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

6. That Mrs. Erna Von Raumer-Kalckreuth, whose last known address is Todtmoos, Kreis Sackingen, Schwartzwald, Neues Schwarzwaldhaus, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

7. That the property described as follows:

a. Three Hundred Seventy-five (375) shares of $10.00 par value common stock of The Goldfield Consolidated Mines Company, P. O. Box 2520, Reno, Nevada, a corporation organized under the laws of the State of Wyoming, evidenced by the certificates listed below, registered in the names of the persons listed below and in the amounts opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Joseph Schmitter	N20079	100
	N20080	100
B. Stern, Jr.	8490	170

together with all declared and unpaid dividends thereon, and

b. Four Hundred Thirty (430) shares of $1.00 par value common stock of The Goldfield Consolidated Mines Company, P. O. Box 2520, Reno, Nevada, a corporation organized under the laws of fthe State of Wyoming, evidenced by the certificates listed below, registered in the names of persons listed below and in the amounts opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Hermann Sichel	S 2992	50
	R 8312	100
Carl Behrends	R 7810	100
Fritz Ludovici	R 6001	100
Mrs. Erna VonRaumer-Kalckreuth	S 4841	80

together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Joseph Schmitter, B. Stern, Jr., Hermann Sichel, Carl Behrends, Fritz Ludovici, and Mrs. Erna Von Raumer-Kalckreuth, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

8. That the national interest of the United States requires that the persons identified in subparagraphs 1, 2, 3, 4, 5, and 6 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 3, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-2726; Filed, Mar. 7, 1952; 8:49 a. m.]

[Supplemental Vesting Order 18793]

BERNARD DIERKES

In re: Estate of Bernard Dierkes, a/k/a Bernhard Dirks, deceased. File No. D-28-12996.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Maria Helena Berkenheger, Angela Margaretha Otten, Catherina Fischer, Margaretha Prass, Johann Conrad Dierkes, Maria Wilhelmina Ruhwinkel, Wilhelm (Willi) Joseph Dierkes, Elizabeth Johanna Hinricks, Josephine Angela Dierkes, Josepha Johanna Dierkes, Frieda Angela Dierkes, Waltraud Elizabeth Dierkes, Maria Wilhelmine Scharmberg, and Wilma Katherina Dierkes, whose last known addresses are Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown other than those identified in subparagraph 1 hereof, of Heinrich Johann Dierkes, deceased, who there is reasonable cause to believe are and, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the property described as follows: All right, title, interest, and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in

and to the Estate of Bernard Dierkes, a/k/a Bernhard Dirks, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Hyman Wank, as administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Heinrich Johann Dierkes, deceased, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-2727; Filed, Mar. 7, 1952; 8:49 a. m.]

[Vesting Order 18794]

GERHARD BOEHM

In re: Certificate of Deposit owned by and debt owing to Gerhard Boehm, F-28-23849-D-1; C-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Gerhard Boehm, whose last known address is Rauschenberg, Berg Kassel Hessen, Nassau, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interest in and under One (1) Certificate of Deposit, numbered M13566, for $1,000.00 face value Krueger and Toll Company 5 Percent Secured Sinking Fund Gold Debentures, due March 1, 1959, said certificate registered in the name of Gerhard Boehm, and

b. That certain debt or other obligation of Guaranty Trust Company, 140 Broadway, New York, New York, representing a distribution payment in the amount of $24.50 payable on the certificate of deposit described in subparagraph 2a hereof, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gerhard Boehm, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 5, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-2728; Filed, Mar. 7, 1952; 8:49 a. m.]

[Vesting Order 16341, Amdt.]

MRS. I. TH. VON WITZLEBEN-WILKENS

In re: Stock owned by Mrs. I. Th. von Witzleben-Wilkens.

Vesting Order 16341, dated December 8, 1950, is hereby amended as follows and not otherwise:

a. By deleting from subparagraphs 2a and 2c of said Vesting Order 16341 the phrase "which certificate is presently in the custody of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York,"

b. By deleting from subparagraph 2b of said Vesting Order 16341 the phrase "which certificates are presently in the custody of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York,"

All other provisions of said Vesting Order 16341, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 3, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-2729; Filed, Mar. 7, 1952; 8:49 a. m.]

[Vesting Order 17935, Amdt.]

JOHANN SCHMIDT

In re: Bonds owned by Johann Schmidt, also known as John Schmidt.

Vesting Order 17935, dated May 24, 1951, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 from said Vesting Order 17935 and substituting therefor the following subparagraph:

2. That the property described as follows:

Five (5) United States Savings Bonds, Series E in the aggregate face amount of $125 bearing the numbers listed below, dated and in the amount set forth opposite each such number:

Number	Amount	Date
Q207272687E	$25.00	November 1942.
Q236198673E	25.00	December 1942.
Q237311905E	25.00	January 1943.
Q266897118E	25.00	February 1943.
Q270936002E	25.00	March 1943.

said bonds issued in the name of George Schmidt, payable on death to John Schmidt and presently in the custody of the Citizens National Bank, Park Rapids, Minnesota, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Johann Schmidt, also known as John Schmidt, the aforesaid national of a designated enemy country (Germany);

All other provisions of said Vesting Order 17935 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 3, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-2730; Filed, Mar. 7, 1952; 8:49 a. m.]